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## Senate

The Senate met at 10 a.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, architect of our destinies, You have entrusted this world to humanity. Make us responsible stewards of its resources. Lord, lead our lawmakers to work and conserve not only inanimate things but human capital as well. Guide them to invest in the talents and creativity of the American people, remembering how our citizens have solved great problems in our past. Use our governmental leaders to bring order from chaos and harmony from discord. Lord, give them the wisdom to be forces for unity and good will. Replenish their physical strength so they can have resiliency for each challenge.

We pray in Your mighty Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (MR. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, April 21, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume executive session and consideration of the nomination of Christopher Hill to be Ambassador to Iraq. This is all postcloture time. Cloture was invoked last evening. We have 30 hours, if the Republicans ask we use all that time. Whenever that time is completed, Mr. President—30 hours—we will move to the next matter on which another filibuster is being conducted to prevent us from going to S. 386, the Fraud Enforcement and Recovery Act legislation, which is somewhat astounding since it is a bipartisan bill. But that is where we find ourselves.

It is too bad we cannot move to that and start offering amendments and complete that legislation, but that is the way the minority wishes to proceed—not to allow us to proceed.

The Senate will remain in session, as I indicated yesterday, until we vote on the confirmation of the Hill nomination, and then cloture on the motion to proceed to S. 386, the Fraud Enforcement and Recovery Act. If Senators require the full 30 hours of postcloture debate, we will vote at 1 a.m. this morning.

The Senate will recess from 12:30 to 2:15 p.m. today to allow for the weekly caucus luncheons to meet.

### MEASURE PLACED ON THE CALENDAR—H.R. 131

Mr. REID. Mr. President, H.R. 131 is at the desk. It is my understanding it is due for its second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows: A bill (H.R. 131) to establish the Ronald Reagan Centennial Commission.

Mr. REID. Mr. President, I object to any further proceedings on this matter at this time.

The ACTING PRESIDENT pro tempore. Objection is heard.

Without objection, the bill will be placed on the calendar.

### NEVADA'S PULITZER PRIZE WINNER

Mr. REID. Mr. President, it is not every day we get to read good news in the newspaper, and it is certainly not common of late to read good news about newspapers. Today is one of those rare days. A newspaper in the State of Nevada—the Las Vegas Sun—has won the Pulitzer Prize because of a courageous young journalist named Alexandra Berzon. I spoke to her yesterday. This was basically this young woman's first reporting job. She is so excited, as she should be.

I am very happy and proud the Pulitzer is coming to Nevada. This is only the second time in Nevada's history it has received this most prestigious award in journalism and the first time in more than three decades. But I am especially proud because the Sun has been recognized for public service reporting that uncovered lax safety standards and led to actual policy changes that are saving lives.

The famous Las Vegas strip recently saw a \$32 billion building boom. But something else was going up along with the hotels and casinos—the unnecessary deaths of construction workers. Twelve workers died in a little over 17

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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months. Berzon's careful reporting led to important safety improvements, and not one worker has died since these changes took effect. I applaud Alexandra Berzon, her editors, and everyone at the Las Vegas Sun, which has a storied history of solid investigative journalism.

This newspaper started on a string many years ago—in the 1950s—by a man by the name of Hank Greenspun. He was a crusading newspaperman. He was the first person in the entire country to take on Senator McCarthy and the awful things he was doing to America and about America. He took him on personally on one of McCarthy's visits to Las Vegas.

He also did something else which was very courageous. Nevada had a very powerful Senator. His name was Pat McCarran. He was noted for his use of power, and Hank Greenspun, of the Las Vegas Sun newspaper, took after him big time. McCarran asked all the strip hotels to no longer advertise in that newspaper, and they followed the demand of Senator McCarran. A lawsuit was filed. We only had one Federal judge, and that one Federal judge—even though he had been appointed by McCarran in an antitrust action, which is not a jury trial—ruled in favor of the Sun. He won that lawsuit.

He took on McCarthy, he took on McCarran, and that was only the beginning of this great newspaper and the things it has done, and now they have won a Pulitzer. Hank Greenspun must be smiling from heaven.

Someone who is a modern-day icon of this newspaper was a man who taught me in high school. Fortunately, he and I, unexpectedly, were elected, independently, Governor and Lieutenant Governor at the same time. He served 8 years. His name was Mike O'Callaghan, Governor of the State, and a very popular person. He could have gone on to make huge amounts of money in other places. He decided not to do that. I was a lawyer. I drew up this big contract where he would go to work for Hank Greenspun running his newspapers. I met with him, handed him the contract, and he said: We don't sign contracts; we shake hands. So they shook hands, and that was the beginning of a relationship that is historic in Nevada. My dear friend Mike O'Callaghan died in church; he went to mass every morning, and died as a young man in church, where I am sure his good thoughts are still coming forward.

With Hank and Mike, I am sure, as I have indicated about Hank, they are looking down from this place we call heaven at this wonderful time for this newspaper.

The kind of reporting Alexandra Berzon did is a model for reporters everywhere to follow. Of the 21 Pulitzer Prizes, only one—the Public Service Award—the one that the Las Vegas Sun was awarded—doesn't come with a cash prize. All the others come with a \$10,000 cash prize but not this one. It comes with a medal. But this medal is

going to mean much more to Alexandra than any dollar amount would. It is a reminder that journalism, in its most fundamental role—as a disinterested watchdog for our communities and our citizens, our country—benefits all of us.

#### RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### GITMO CLOSURE

Mr. McCONNELL. Mr. President, yesterday, I pointed out that the President's war funding request contains up to \$80 million to close the U.S. detention facility in Guantanamo Bay. The administration says Guantanamo will be closed by next January. What they haven't told us is what they plan to do with these killers once it closes. Well, Americans want some assurances that closing Guantanamo will not make them less safe. Frankly, that is a very important and understandable request.

Guantanamo currently houses some of the most dangerous men alive. These are men who are proud of the innocent lives they have taken and who want to return to terrorism. One person who is there, and whom we don't know what we will do with, is Khalid Shaikh Mohammed, the mastermind of the 9/11 attacks. We captured him while he was planning followup attacks to 9/11, including plots to destroy a West Coast skyscraper and to smuggle explosives into New York. If we hadn't captured him, he may have succeeded in launching the same type of attack on the west coast that he carried out on the east coast. This is a man who brags about decapitating the American journalist Daniel Pearl, with the following quote: "... with my blessed right hand." How does transferring Khalid Shaikh Mohammed make the country safer?

Another person at Guantanamo that the administration doesn't know what it will do with in 9 months is Ali Abd al-Aziz Ali, who served as a key lieutenant for Khalid Shaikh Mohammed during the 9/11 operation. How does transferring him make the country safer?

Then there is Abd al-Rahim al-Nashiri. He was al-Qaida's operations chief in the Arabian Peninsula and the mastermind behind the attack on the USS Cole which killed 17 sailors in 2000. How does transferring or releasing him make our country safer?

These are just 3 of the 240 terrorists that the administration doesn't know what to do with. The one thing they do know is that they claim they are going to close Guantanamo in 9 months, even though they can't say yet whether the alternative is as safe and secure. All of this, despite the fact that after visiting Guantanamo for the first time recently, Attorney General Holder said

he was "impressed by the people who are presently running the camp" and that "the facilities there are good ones."

That was certainly my impression when I went there a few years ago.

The administration needs to tell the American people what it plans to do with these men if it closes Guantanamo. Two years ago, the Senate voted 94 to 3—94 to 3—against sending these men to the United States. Foreign countries have so far been unwilling to take any of them in significant numbers—understandably. Even if countries were willing to take them, there is an increasing probability that some of these murderers would return to the battlefield. The Defense Department recently confirmed that 18 former detainees had returned to the battlefield and said that at least 40 more are suspected of having done so. These are people we have already released who are back on the battlefield.

Earlier this year, the Saudi Government said that nearly a dozen Saudis who were released from Gitmo are believed to have returned to terrorism.

The administration has made a priority of closing Guantanamo, but its first priority should be to assure the American people that the detainees at Gitmo will never again be able to harm Americans.

#### ENTITLEMENT SPENDING

Mr. President, I wish to say another word in addition to my comments yesterday about the President's welcome gesture on wasteful spending. The Cabinet has been asked to find \$100 million in savings over the next few months and this is clearly a step in the right direction, but it is just a step. Current levels of Government spending and debt are completely and totally out of control and the threat of a fiscal catastrophe is very real. The only way to address this out-of-control spending is to get at the heart of the problem, which is entitlement spending. A lot of people do not realize that nearly 70 percent of the money the Federal Government spends every year is mandatory spending on very popular programs such as Medicare, Medicaid, Social Security, and on the interest we have to pay on the national debt.

Entitlements are the heart of the problem. As Willie Sutton put it: That's where the money is. And if we don't find a way to address this spending, we will be in very serious trouble as a nation. Fortunately, Senators GREGG and CONRAD have a proposal on the table that addresses entitlement spending head on, by forcing Democrats and Republicans to come together and make the kind of tough choices necessary to steer the country out of an otherwise inevitable financial shipwreck. It deserves much more attention than it has received, and it deserves a vote here in the Senate.

Cutting \$100 million in waste is certainly good, but let's put it in context. The amount of money the President asked the Cabinet to save yesterday,

\$100 million, is about how much we will spend every single day on interest on the stimulus bill we passed a while back. Mr. President, \$100 million in savings is certainly good. It amounts to about 33 cents for every single American. Compare that to entitlement spending where, in order to meet all our current and future entitlement promises, we would have to extract \$495,000 from every American household—\$495,000 from every American household. The way I see it, there is simply no question as to where the priority should be.

I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### EXECUTIVE SESSION

#### NOMINATION OF CHRISTOPHER R. HILL TO BE AMBASSADOR TO IRAQ—Resumed

The ACTING PRESIDENT pro tempore. The Senate will proceed to executive session to consider the following nomination which the clerk will report.

The legislative clerk read as follows:

Nomination of Christopher R. Hill, of Rhode Island, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iraq.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I know we are here to discuss the nomination of Christopher Hill to be our Ambassador to Iraq. I want to talk about that for a few minutes.

But I have to say, as I was sitting there listening to the distinguished minority leader complaining about the interest we are paying on the debt, I almost choked on the absurdity and irony of the situation in which we find ourselves. The reason we have to have an enormous stimulus plan is because of the mismanagement of our entire economy and Government over the course of the last 8 years. Not once—the Senator from Rhode Island will know this—not once did the President of the United States George Bush veto a spending bill—not once. It was under the leadership of the Republicans as the chairs of all the essential spending committees of the Congress. They had the House, they had the Senate, they had the White House. During that period of time, they took a \$5.6 trillion surplus and turned it into a \$10 trillion debt and about a \$5.6 trillion deficit—the most irresponsible period of fiscal management in the history of this country. Not to mention what they did with respect to the management of the regulatory process of our country,

where, as we know, deals were allowed to be made on Wall Street that had no business being made. Regulators were taken out of the industry itself and it was like putting the fox in charge of the chicken coop in the most overt sense possible, so regulation went out the window.

We are paying the price for that today. The American taxpayer is paying the price. The average homeowner is paying the price. Retirees are paying the price. Workers—unprecedented numbers of people laid off because of the hollow, empty Ponzi scheme investments and commission schemes that were engaged in on Wall Street and elsewhere. It is staggering.

To listen to them come to the floor with no alternative plan—they don't offer any alternative as to how you put America back to work. They just say: No, don't spend this money. Oh, my God, we are building up a terrible deficit—despite the fact that for 8 years they were silent about the deficit. There is something in public where you earn the right, sort of a moral level of rectitude or of justification for saying the things you say. I have to tell you, it is hard to listen to some of these folks, who were so much a part of that, without even accepting responsibility for it. They don't come down and say, you know, we made a blooper of a mistake or, boy, did I misjudge this or that or whatever. It is a wholesale flip-flop transition that is absolutely staggering in its proportions. Judging by the polling numbers on the President reflecting the decisions he is making, tough decisions about how to get the country moving again, I think the American people get it. I hope we are going to spend our time more profitably around here than playing the traditional political game of delay and obfuscation and those tactics.

The reason I mention that is the reason we are on the floor today debating the nomination of Christopher Hill is more of the same. It is exactly part of the same process of politics as usual in Washington, DC. There is no reason that for the last 2 weeks, while the Congress of the United States was on its Easter break—many Members back home or traveling the world, dealing with a lot of issues—there is no reason we did not have an ambassador in Iraq, which is what General Odierno wants, what General Petraeus wants, what the President wants, what the American troops need and deserve.

Time and again, Senators have come to the floor and said there is no military solution in Iraq. The reason we are drawing down our numbers of troops there now is to transfer authority to the Iraqis themselves so our troops can come home and so they can assume responsibility for their country. As all of us know, that cannot happen completely and properly until and unless the political issues of Iraq are resolved. As the Washington Post noted, we have not had an ambassador in Iraq since last February. So we have

gone all this time with the principal issue which needs to be resolved, which is political, without the principal player, who is the Ambassador.

It is stunning to me that a few Senators have decided not just to register their opposition—which they can do. They have a right to do that, come to the floor, speak against the nomination and let's have a vote. He is going to be overwhelmingly supported to be the next ambassador to Iraq. But we will have delayed and diddled and who knows what opportunity may have been delayed or lost as a consequence of our not having the principal political player on the ground in Iraq in order to help negotiate.

The fact is, Chris Hill, when you look at the record, even some of the arguments that are being made about him by the few who oppose him do not stand up. They do not stand up to scrutiny. In over three decades of service at the State Department, as ambassador to complicated, difficult parts of the world—Ambassador to Macedonia and Poland, to South Korea—Chris Hill has proven himself to be one of America's most talented diplomats. Today we are asking him to take on one of the most challenging diplomatic posts, one that if you look at his record through the years he has been preparing for in different ways in each of these different posts.

Senator LUGAR yesterday joined in the effort to get this vote and to approve this nomination. I appreciate enormously the partnership Senator LUGAR has provided for years on the Foreign Relations Committee, as a partner to now-Vice President BIDEN, and now working with me and with the rest of the committee. Senator LUGAR believes in calling things the way he sees them and in making judgments based on the facts—above all, in trying to have a foreign policy presence for the United States that is bipartisan, where the politics end at the water's edge. The fact is, Ambassador Hill's decades of diplomatic experience, as Senator LUGAR has pointed out, give him the skills that matter the most in Iraq—the ability to achieve our objectives in a complex, challenging, sectarian, volatile, complicated environment.

This is exactly the experience Chris Hill brings to this effort. He was one of the principal players in helping to resolve the civil wars in the Balkans. Many of us remember how difficult and, frankly, gridlocked that particular situation looked. He has worked on multiparty international negotiations. He has dealt with hostile regimes in the six-party talks on North Korea's nuclear program. Several times he has conducted his diplomatic efforts alongside a sizable military presence.

His next assignment will require him to bring every single one of these experiences to the table. He will have to do it working against the clock as we finally bring our troops home from Iraq.

We have set a timetable. It is a timetable that the military and Defense Department have agreed with, and it is one that many people believe will require the Iraqis to stand up for themselves in ways that they had been unwilling to do previously. But the fact is that to properly effect the transition that is going to be needed to bring those troops home, it is going to require more diplomacy, smarter diplomacy, and more urgent diplomacy. Now more than ever we need to enlist Iraq's neighbors in working constructively to stabilize Iraq, and that includes Iran and Syria.

Iraq today still presents extraordinary challenges. Nobody should believe that because we have announced the troops are going to start to come home that Iraq is a done deal. It is not a done deal. It is still tricky, it is volatile, explosive. There are very complicated issues such as the oil revenues, the Federal Constitution, the resolution of the city of Kirkuk and the Kurds' interests. All are these are political solutions that need to be arrived at. I believe Chris Hill brings the skills necessary to help us to be able to do that.

A few weeks ago, the Foreign Relations Committee strongly endorsed Chris Hill's nomination. As I said a few moments ago, I absolutely respect the right of any Senator to object to a nominee and to want to make their points about that nominee. But when you know you do not have the votes to legitimately block a nomination, to delay that nomination for critical weeks I think borders on the irresponsible. It makes this institution look a little silly in some ways. The fact is, if you look at the issues that have been raised, those issues have been consistently and accurately answered on the record. Let me go through a couple of them.

Concerns have been raised about Ambassador Hill's record dealing with North Korea. Let me address that directly. First, some have attacked Chris Hill for not pressing hard enough against North Korea's atrocious human rights record. My friend Senator BROWNBACK in particular has been outspoken in this regard, arguing that Ambassador Hill reneged on a promise made at a July 31, 2008 Senate Armed Services Committee hearing.

Well, Ambassador Hill has spoken directly to that before our committee in answer to a question he was asked by Senator LUGAR. Yesterday, I asked that portions of Ambassador Hill's Senate testimony be submitted for the RECORD so Senators could read that today in the CONGRESSIONAL RECORD and make their own judgment.

But Ambassador Hill did the following in answer to a question from Senator BROWNBACK: He did consent to invite the Special Envoy for North Korean human rights, a fellow by the name of Jay Lefkowitz, to future negotiations, except those that were specifically dealing with nuclear disarmament.

That is appropriate. Those are two totally different portfolios. Mr. Lefkowitz was responsible for human rights, but what was being negotiated was the nuclear component, as Ambassador Hill explained at his nomination hearing. The problem is that the talks with North Korea never got beyond the issue of nuclear disarmament. It never got to the broader, more general issues that were before them.

Furthermore, the call on whether to include the Assistant Secretary for Human Rights in the six-party talks was made above Chris Hill's pay grade. That was not a Chris Hill decision, that was a decision for the President of the United States and the Secretary of State.

Let me tell you precisely what Secretary of State Condi Rice said about Mr. Lefkowitz and his efforts. Publicly in the New York Times, she is quoted rebuking the Human Rights Assistant Secretary in a public way. It is rather extraordinary that that would happen. But here is what she said:

He is the human rights envoy. That is what he knows. That is what he does. He doesn't work on the Six-Party talks. He does not know what is going on in the Six-Party talks. And he certainly has no say what American policy will be in the Six-Party talks.

That is not a Democrat talking; that is his boss, the Secretary of State, Condi Rice, talking about his interference in the process. And Chris Hill was taking daily instructions, as he ought to be as a diplomat, from Secretary of State Condi Rice and from the President of the United States.

So, you know, this is ridiculous that we are here tying up a nomination over something Chris Hill had absolutely no power to fundamentally change. It was not his right to make that decision. He did not make that decision. He followed his instructions. If Senator BROWNBACK has a complaint, his complaint is with Secretary of State Condi Rice and President George Bush.

Lost in this is also the fact that Chris Hill was extraordinarily outspoken in his criticism of human rights in North Korea. He was plainspoken with respect to that, and he was diligent in his effort to improve human rights in North Korea. Listening to some of his critics, you might get the impression that Chris Hill was somehow indifferent to the suffering of the North Korean people. Nothing could, in fact, be further from the truth.

First, he expressed, on a number of occasions, using the plainest language, that North Korea's human rights record was "abysmal," making clear in public and private that North Korea cannot fully join the international community short of significant improvement on this issue.

Yesterday, my colleague from Kansas showed pictures comparing North Korean gulags to Nazi concentration camps. He warned that he must not be silent about North Korea's conduct. He is right. We must not be silent. Most

importantly, Chris Hill agrees with him, and Chris Hill was not silent. He made it plain in open testimony before the Senate Armed Services Committee in July of 2008. Let me quote from that testimony because it speaks eloquently to Ambassador Hill's character and to his concern for the innocent victims of North Korea's repressive system. Here is what Chris Hill said in 2008, well before being nominated for this job, before the Armed Services Committee of the Senate:

The DPRK's human rights record is, quite frankly, abysmal. And every day that the people of North Korea continue to suffer represents an unacceptable continuation of oppression. I have seen—I've personally seen satellite images of the DPRK's extensive prison camp system. This is truly a scar on the Korean Peninsula . . .

So he refers specifically to the photos Senator BROWNBACK showed yesterday.

He goes on to say:

It is reported that North Koreans suffer torture, forced abortion, and in some cases, execution. The dangers faced by North Korean refugees who flee their country in search of a better life, often only to face suffering or eventual repatriation with a very uncertain fate, are certainly, or are similarly, unacceptable. The United States' dedication to improving the lives of North Korean people will never wane, and we will continue to seek all available opportunities to improve this heartbreaking situation.

We have repeatedly made clear to the DPRK that human rights is not only a U.S. priority—frankly, it's an international priority. It is a part of the standard of joining the international community. We've emphasized how much we value the advancement of human rights in all societies and our need to have this and other outstanding issues of concern discussed in the normalization process.

So Chris Hill could not have been more clear, time and again, in his negotiations, in his public comments, in his testimony to the Senate, about the human rights situation.

Second, Chris Hill worked closely with his colleagues to implement the North Korean Human Rights Act of 2004, sponsored by our friend, the Senator from Kansas. Consistent with that act, Ambassador Hill secured the admission of the first North Korean refugees into the United States in 2006. He helped ensure the safe passage of asylum seekers from the north who were detained in other countries. He backed increased funding of radio broadcasting activities and support for defector organizations in South Korea, regularly meeting with North Koreans who made it out alive.

Finally, it was the team of Ambassador Hill and USAID official John Brause that secured unprecedented access for reputable U.S. nongovernmental organizations to deliver carefully monitored food aid to North Korean children. In my opinion, there can be no higher accomplishment in the field of human rights than to prevent the starvation of children. It was not easy for Hill and Brause to convince North Korea to permit Mercy Corps, World Vision, Samaritan's Purse, Global Resources Service, and Christian

Friends of Korea to send Korean-speaking foreign staff to the countryside of North Korea in order to monitor food aid deliveries. But they did that. They accomplished that.

The fact that several of these NGOs are Christian charitable organizations makes this accomplishment even more remarkable given North Korea's poor record on religious freedom issues.

So Chris Hill's record on North Korean human rights is, frankly, unsailable, it is admirable, and we do him a disservice if that is not acknowledged here in the Senate.

What is more, Chris Hill achieved these gains inside the limitations of a policy that was shaped from above by his superiors in the White House, one that properly focused on denuclearization first, while also trying to address a wide range of other concerns, including human rights, missile proliferation, counterfeiting, drug smuggling, and other illicit activities. From the early days of the Bush administration, the focus was always clearly on security issues. In announcing the results of the Bush administration's North Korea policy review on June 6, 2001, the President instructed his security team to focus on North Korea's nuclear activities, its missile programs, and its conventional military posture. There was no explicit mention of human rights in President Bush's policy at that point in time, although there was a pledge to help the North Korean people, ease sanctions, and encourage progress toward north-south reconciliation. But the focus of the administration at that point was national security. As Secretary Rice testified to in the Foreign Relations Committee back in January of 2005:

Our goal now has to be to make the Six-Party mechanism work for dealing with the North Korean nuclear program and then hopefully for dealing with the greater problem of managing this dangerous regime.

This was 6 weeks before Chris Hill was named envoy to the six-party talks, and it was 3 months before he was even named Assistant Secretary of State. So what are we doing debating the question of Chris Hill and this policy, when the policy was put in place by the President well before he even became Assistant Secretary of State? He followed the policy directives.

My friend Senator BROWNBACK said yesterday that our North Korean policy was a Chris Hill policy. That is not the case, and the record proves that is not the case. The decision to focus on the complete verifiable and irreversible elimination of North Korea's nuclear program was American policy, it was U.S. policy well before Chris Hill arrived, and it remains America's policy today.

Those who criticize Chris Hill for not accomplishing more in the area of human rights should also appreciate that he was, in many cases, hamstrung. I think he would have liked to have gone further in some regards, but his limitations were to the six-party talks,

when many of us were pressing for bilateral talks, I might add. I remember in the 2004 campaign, in the debates with President Bush, I advocated moving toward bilateral as the way to get things done. And the President said no. He stood by the concept of six-party talks. For several years, we went on with that. But ultimately it was through the administration's eventual transition to a bilateral set of meetings that we actually made progress and accomplished what was accomplished in that relationship, tenuous as it was.

So Chris Hill was implementing the policy of President Bush, Secretary Rice, National Security Adviser Hadley, Vice President Dick Cheney, and those who had the final say on North Korean policy. That final say did not then rest with a professional foreign career officer who was implementing the policy of his superiors.

I am also troubled that some of the criticisms of America's policy toward North Korea seem to carry with them the implication that Chris Hill does not care on a personal level about human rights. Well, this runs counter to a lifetime of concern and achievement everywhere he has served.

In Kosovo, Ambassador Hill advocated NATO intervention to prevent ethnic cleansing. When more than a quarter million refugees from Kosovo flooded Macedonia in 1999, it was Ambassador Hill who worked tirelessly to keep the border open and set up dozens of refugee camps across Macedonia, protecting every last refugee and pressuring Macedonia's leadership to keep taking refugees even as they complained that their country could hold no more, even as the number of refugees rose to 10 percent of Macedonia's population, with a wave of Muslim refugees entering a delicately balanced majority-Christian, multireligious society. That is what Chris Hill accomplished. He managed to protect the rights of those people, and he did so under enormously difficult circumstances. He ought to get credit for that. The folks who are sounding the drumbeat of human rights ought to be giving him credit for the record of what he accomplished in those difficult circumstances.

Another particular story shows Chris Hill's commitment to human rights. In the middle of the night, a crowd had gathered in a refugee camp and was preparing to harm two Roma families in that camp. Chris Hill personally risked his own safety to stand in front of that crowd and allow the families who were being targeted to evacuate while he stood there. Those present said it was an impressive display of moral and physical courage.

So while we may disagree with the American policy, let's not allow those disagreements to degenerate into personal accusations against a man who has given his entire life to serving America's interests and ideals and has a decades-long record on human rights to prove it.

Simply put, Chris Hill is one of the best diplomats we have. That is why Senator LUGAR expressed his support and spoke of his outstanding diplomatic and managerial skills. Vice President BIDEN has referred to Ambassador Hill as "one of the gems we have in the Foreign Service."

For years, many in this body have argued that we ought to follow the advice of our commanders on the ground in Iraq. How many times have we had a debate in which people have said: Listen to the generals. Listen to the commanders in Iraq. Well, here is what they are saying:

GEN Ray Odierno, the top military commander in Iraq, said:

Hopefully we will have an ambassador out here very soon. It would certainly help to have an ambassador here as quickly as possible.

The Pentagon's top spokesman went even further. He said:

It is vital that we get an ambassador in Baghdad as soon as possible because there is no substitute for having the President's envoy, the U.S. Ambassador, in place and on the job.

Our Ambassadors have also been unanimous in their support. Ryan Crocker, Zalmay Khalilzad, John Negroponte, the three wartime American Ambassadors to Iraq, wrote a letter together urging a quick confirmation for Chris Hill. They wrote Hill "brings over three decades of experience to this task, especially in the areas of national security, peace-building, and post-conflict reconstruction. We need his experience during this critical time in Iraq. . . . The issues are pressing and the President must have his personal representative on the scene now. We encourage the Senate to act promptly to provide its advice and consent."

One of the principal reasons GEN David Petraeus and Ambassador Ryan Crocker were able to accomplish so much is because they worked together so closely. I know General Petraeus's successor, General Odierno, is looking forward to building a similar relationship with Ambassador Hill, which explains why he is outspoken in the need to send Chris Hill to Baghdad in a timely manner.

So this is not a time for delay. Chris Hill has promised to leave for Iraq within 24 hours of being confirmed, if possible. I believe we should have Chris Hill on a plane tomorrow to Iraq. And I hope my colleagues—I see none of them in the Chamber who oppose this nomination. We are going to try to move to a vote, let me say to my colleagues. If there are people who oppose this nomination, they ought to be here to do so because we are going to try to move to a vote in the early afternoon and not delay this nomination any further.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I rise today to join the distinguished

chairman of the Foreign Relations Committee in support of Ambassador Christopher Hill as our next United States Ambassador to Iraq.

In helping to negotiate an end to the crisis in the Balkans, in leading three Embassies, and in working to disarm North Korea's nuclear weapons program, Ambassador Hill has gleaned invaluable experience and given invaluable service in over 31 years of diplomatic service to this country.

Ambassador Hill is a fellow son of the Foreign Service. My father and grandfather were Foreign Service officers, and I have some experience of the sense of calling and dedication that background provides. He is decent, honorable, and snarled right now in Senate politics in a way, frankly, that is less of a reflection on him than it is a reflection on us.

He is also a fellow Rhode Islander, with a family home in Little Compton, RI. His family moved there when he was in the fifth grade, when United States diplomats, including his father, were expelled from Haiti. He attended the Moses Brown preparatory school in Providence and later returned to the Ocean State to attend the U.S. Naval War College.

Now, at the crest of his career, he is a hero of the American Foreign Service and one of our very few most distinguished diplomats. He has shown in his career a special talent for bringing together ethnically divided peoples, a skill that will, obviously, be critical in Iraq. When the Balkans erupted in ethnic conflict, Ambassador Hill was a central player on the Clinton team that forged the Dayton Accords, the peace settlement that ended the Bosnian war.

In his book on the Dayton negotiations, Special Representative for Afghanistan and Pakistan Ambassador Richard Holbrooke described Hill as "brilliant" and "fearless," praising him for being both "very cool and very passionate," and for his strong negotiating skills. These are the very traits we need in an Ambassador to Iraq.

Ambassador Hill served as Ambassador to Macedonia during a troubled time, and as a special envoy to war-torn Kosovo. He said of this conflict that "like a lot of things in life: you've got to do everything you can do" to be satisfied "that you have left no stone unturned." I am confident he will bring the same tenacity to his position as United States Ambassador for Iraq.

As Ambassador to South Korea, Christopher Hill broke diplomatic precedent and charmed the South Korean people by repeatedly visiting hotbeds of anti-American sentiment, such as universities, where he engaged in open debate with audiences. He paid his respects at a memorial for thousands of civilians fired upon by a 1980s military government. No senior U.S. official had ever before visited this memorial, and he won the respect and trust of many through this simple yet momentous gesture. A senior official with the

American Chamber of Commerce in South Korea, Tami Overby, stated:

He was here the shortest term among the six ambassadors that I've seen here in my 18 years, but [he] had the most impact.

Ambassador Hill's time in South Korea was cut short as he was tapped to head negotiations in six-party talks over North Korea's nuclear weapons program. At a time of crisis, when the Bush administration had long ignored nuclear proliferation by North Korea, Ambassador Hill successfully brought China, Japan, South Korea, Russia, and other regional partners to the bargaining table. Though some of my Senate colleagues have criticized Ambassador Hill for negotiating with North Korea, his efforts there culminated in the dismantlement of the Pyongyang reactor, slowing North Korean nuclear proliferation and protecting United States and world security.

Now he is President Obama's nominee as Ambassador to Iraq. Timing, as Senator KERRY has pointed out, is crucial, and the delay is perplexing.

Let's look back to May 2005, when the Republican majority leader took to the floor to comment on the nominations of Miguel Estrada, Priscilla Owen, and Janice Rogers Brown to U.S. courts of appeals. He said then of the Senate Democratic minority:

For the first time in 214 years, they have changed the Senate's "advise and consent" responsibilities to "advise and obstruct."

Well, the shoe is on the other foot. My Republican colleagues are obstructing the nomination of our much needed United States Ambassador to Iraq.

When, in 2006, Kenneth Wainstein was nominated as the Assistant Attorney General for National Security, my colleague from Texas, Senator CORNYN, came to the floor and stated:

Obstruction from the other side of the aisle, Mr. President, is impeding efforts to improve national security.

He continued:

Democratic obstruction is impeding this effort to improve national security.

Today, Republicans are engaged in the very obstruction they criticized.

In 2007, when Michael Mukasey was nominated as Attorney General, the Republican leader came here to state:

If . . . our colleagues intentionally delay the nominee and hold him or her hostage, they will show the American people that their concern for the Department was insincere. . . . In these times, it is especially important that the Senate act promptly. We are, after all, at war.

Well, they will be the first to tell you that we are still at war, and yet on this critical appointment for our new President: obstruction.

Similarly, when it came to the Iraq surge, my colleagues on the other side of the aisle argued vehemently that we should defer to the judgment of General Petraeus and commanders on the ground in Iraq. I am not so sure about that. Civilian control of the military is a longtime and valued American tradition. But that was their argument. We heard the name of Petraeus invoked over and over and over again.

Senator MCCONNELL, in March of 2007, spoke out against setting deadlines for U.S. troop withdrawals in Iraq, stating that deadlines would "interfere with the President and General Petraeus's operational authority to conduct the war in Iraq as he and his commanders see fit. It would substitute for their judgment the 535 Members of Congress."

In September of 2007, my colleague from South Carolina, Senator GRAHAM, said that "... to substitute the Congress's judgment for General Petraeus's judgment, is ill-advised and unwarranted."

Those of us who were here through that time remember clearly the repeated incantation of the name of Petraeus that featured so prominently in the Republican rhetoric.

Well, I suggest to my Republican colleagues, the time may now have come to heed their own advice. Last month, the U.S. military's chief spokesman, Geoff Morrell, stated:

Generals Odierno and Petraeus have come out very publicly and very forcefully in support of Ambassador Hill's nomination. I know they support it. They know him from previous assignments, they like him, they believe he is well suited to the job and are anxiously awaiting his confirmation.

What happened to the deference to General Petraeus now that he wants Ambassador Hill? And it is not just General Petraeus and General Odierno and the military establishment engaged in that theater. The last three United States Ambassadors to Iraq—all Republican appointees—Ambassador Ryan Crocker, Ambassador Zalmay Khalilzad, and Ambassador John Negroponte, have all also expressed their unequivocal support for Ambassador Hill.

There are areas outside of politics where professional respect prevails. As a former U.S. attorney and attorney general, I have seen it among prosecutors. We saw it when prosecutors of both parties rallied around the Department of Justice when the Bush administration and Attorney General Gonzales made their best efforts to ruin that great Department. The same principle applies here, the politics of this Chamber notwithstanding. The professional colleagues of Ambassador Hill know better. They know how good he is, and they know we need him there.

My distinguished colleague from Indiana, the ranking member of the Senate Committee on Foreign Relations, also agrees. He put it well in Ambassador Hill's confirmation hearing. "We're at war," he said. "This is not a parliamentary struggle among senators with different points of view."

Senator LUGAR is right. This is not or should not be a time for bickering. This is the time to confirm our next United States Ambassador to Iraq without further delay.

Christopher Hill has served in the State Department for 31 years. As Senator KERRY, the distinguished chair of



the Senate Committee on Foreign Relations has said, he is one of our Nation's most accomplished diplomats, ready for one of our most difficult assignments. He has the votes to be confirmed. Delay now can only impede progress in Iraq's future. And it fails me to understand how that could be any Member's goal. The situation is better in Iraq, but it remains difficult.

Arab-Kurd tensions are high in the north. Sectarian groups struggle for power after January's provincial elections, and elections slated for the end of this year will be a key indicator of Iraq's democratic direction. The safety of our 146,400 men and women on the ground in Iraq, of course, is always of concern. History shows that even major gains can always be reversed. So let us get Ambassador Hill out there to lead the transition of the United States mission in Iraq from a military intervention to a much needed focus on stabilization and economic development, and to advance our Nation's interests in that troubled region.

I thank the Acting President pro tempore. I thank the distinguished chairman of the Foreign Relations Committee for his advocacy and his ardent support of this nomination.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I am very grateful to the Senator from Rhode Island for his comments now, as well as his leadership on the committee. And I appreciate his coming to the floor to take time to do this.

I know Senator CARDIN has been waiting.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. CARDIN. Mr. President, I take this time to urge my colleagues to confirm the nomination of Christopher Hill to be Ambassador to Iraq.

I compliment the distinguished chairman of the Foreign Relations Committee, Senator KERRY, for his comments. I agree with him on the urgency of our action. It is critically important we have a confirmed ambassador in Iraq.

I also concur in the comments of Senator LUGAR, the ranking member of the Foreign Relations Committee. We are at war. We should be coming together, as Senator WHITEHOUSE has pointed out, and acting on this nomination.

I am somewhat confused as to why this nomination has been held up several weeks when I think of the fact that a clear, overwhelming majority of the Members of the Senate are going to vote for Ambassador Hill's confirmation.

It is critically important we have an experienced diplomat in Iraq as our Ambassador. Christopher Hill has devoted his career to service to our country as a diplomat. He first volunteered as a Peace Corps volunteer in Cameroon. He was Special Envoy to Kosovo, a very difficult part of the

world. He was Ambassador to Poland and Macedonia and head of the U.S. delegation to the six-party talks on North Korea. That experience will serve him well as Ambassador to Iraq. He has navigated complex regional dynamics in seemingly intractable conflicts to promote peace and development in parts of the world where we thought we could not make progress. He is exactly the type of experienced diplomat the United States needs representing our interests in Iraq. As has been pointed out, we need a career diplomat, someone who has the confidence of the community to be able to make the type of progress we need to make in Iraq.

Chris Hill has the endorsements of the three prior Ambassadors of the United States to Iraq. As Senator WHITEHOUSE pointed out, they were appointed by a Republican President. However, quite frankly, Ambassador Hill represents a nonpolitical appointment that has bipartisan support in Congress. Again, he is the right type of person at this moment to represent the interests of the United States.

Let me speak a little about the urgency of why we need to move forward now and get Ambassador Hill confirmed as our Ambassador. Mr. President, 140,000 American troops are currently in Iraq. They are entitled to have a confirmed ambassador to represent the interests of the United States in Iraq. Our soldiers are serving valiantly, and they are entitled to have all the tools at their disposal to make sure their mission succeeds. One of the most important tools is to have a confirmed U.S. Ambassador.

By August 31, 2010, America's combat mission in Iraq will end. That puts more urgency on our diplomacy. There may have been some disagreement—there was disagreement—as to the surge of U.S. troops, but there is no disagreement as to the surge and the need of a surge for U.S. diplomacy. This is a critical time for Iraq. They are going through a transition in their political environment. The United States needs to be represented by an experienced, confirmed diplomat. Chris Hill is that type of an individual.

Let me speak about a couple of the other issues, starting with the refugee issue, which I heard Senator KERRY speak about. I was recently in Syria and saw firsthand Iraqi refugees who are currently living in Syria. I have been to Jordan. I have seen Iraqi refugees who are living in Jordan. There are millions of displaced Iraqis—a couple million within Iraq, a couple million outside of Iraq, mostly in the surrounding countries—and one of the challenges to a stable Iraq will be dealing with that refugee issue. The United States has to play a critical role in that, a lead role. We know that. We need an ambassador in Iraq on the ground advising the Obama administration as to what will be the most effective policies in dealing with the displaced individuals within Iraq and the

refugees living in surrounding countries. We need an ambassador in Iraq now to represent those interests to give the President the best advice so we have our best chance of a successful mission within Iraq.

President Obama stated our strategy in Iraq "is grounded in a clear and achievable goal shared by the Iraqi people and the American people: an Iraq that is sovereign, stable, and self-reliant. To achieve that goal, we will work to promote an Iraqi government that is just, representative, and accountable, and that provides neither support nor safe-haven to terrorists."

I think we all agree with President Obama's goals for Iraq, but it is clear to all of us that we need a career, experienced diplomat in Iraq representing our interests at this critical moment.

Quite frankly, I don't understand the delay. I really don't. I think the vote is going to be overwhelmingly in support of his confirmation. Let's get on with it. Let's get him confirmed. As Senator KERRY has said, let's get him on a plane to Iraq as quickly as possible so he can help serve our interests as Ambassador to Iraq.

I urge my colleagues to vote for confirmation—and let's get that vote as quickly as possible—to represent the U.S. interests in Iraq.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. Madam President, I rise today in support of the nomination of Christopher Hill to be Ambassador to Iraq.

Last week, I had the very distinct privilege of joining Senator JACK REED on a trip to Iraq, Afghanistan, and Pakistan to witness firsthand the remarkable contributions of our military and civilians abroad. In each and every meeting in Baghdad, we were asked about the nomination of Ambassador Hill, and it was painstakingly clear that the absence of a U.S. Ambassador creates questions regarding America's commitment to the future of Iraq.

I cannot stress enough the concern expressed by our military and civilian leadership, as well as the Iraqi Government, that there is no high-level civilian representing the United States in Iraq. It is in this regard that I urge my colleagues to join me in supporting Ambassador Hill's confirmation.

Here in the Senate, we understand the intricacies of parliamentary procedures, but outside this delay is interpreted differently. It is seen by far too many as signifying a low priority, a lack of American interest, and a slight to the people of Iraq.

With the beginning of President Obama's drawdown plan and the withdrawal of American forces from major cities by this summer, we absolutely, positively need an ambassador to coordinate increased civilian efforts needed to replace our military presence.

As Iraqis take important steps to improve security, governance, economic development, and the training of police, we must have an ambassador to coordinate our efforts and continue to channel U.S. resources and support. As Iraq faces the challenge of continued sectarian tension—especially between the Arabs and the Kurds—Ambassador Hill's first task should be focusing on mitigating tensions in the north and helping the Iraqis resolve difficult questions surrounding the status of Kirkuk and the hydrocarbons law.

The future of Iraq is incumbent upon critical developments and critical milestones that were made this year, and it is incumbent upon this body—the Senate—to ensure that the U.S. Embassy in Baghdad—the largest in the world—has the leadership it needs to succeed in Iraq.

I have met with Ambassador Hill and I am positive that he is the right person for this critical task. His extensive experience in diplomacy, nation building, and conflict management—especially in the Balkans—has prepared him for the challenge of Iraq. As a member of Ambassador Holbrooke's team, Ambassador Hill was deeply engaged in the success of the Dayton peace accords in Bosnia. As Ambassador of Macedonia, he helped to ensure refugee camps were established for the Kosovar refugees. As a Special Negotiator for Kosovo, Ambassador Hill was the architect for efforts to secure human rights for the population. When those negotiations failed, he recommended NATO intervention to prevent ethnic cleansing. Ambassador Hill has been tested by some of the very biggest foreign policy challenges in recent decades. He has demonstrated time and time again that he has the skills necessary to succeed in Iraq.

The post of Ambassador to Iraq is vitally important to U.S. security interests in the region, and I am confident the Senate will soon confirm Ambassador Hill. With this in mind, I urge my colleagues who oppose this nomination to reconsider their reservations and concerns. For that reason, I wish to address a few of those concerns now because it is critical to stress the importance of protecting human rights throughout the world, and Ambassador Hill does.

The most serious allegation against Ambassador Hill is related to his alleged unwillingness to push North Korea during the Six Party Talks. I can tell my colleagues frankly that I would not support Ambassador Hill's nomination if I had any question about his commitment to human rights. But I have none. He coordinated his efforts closely with the State Department's

Bureau of Democracy, Human Rights, and Labor. Together they worked to admit the first North Korean refugees to the United States in 2006 and expanded funding in support of North Korean human rights. This included expanded radio broadcasting efforts and support for North Korean defector organizations in South Korea.

He has intervened with foreign governments, including China, to make sure North Korean asylum seekers did not disappear into detention but could have safe transit into third countries. In public and in private, Ambassador Hill has made clear to North Korean officials that human rights are a primary concern of the United States—as important as the nuclear issue. The United States must insist that any settlement with North Korea take into account its atrocious record on human rights. Ambassador Hill was clear about the primacy of human rights in the process of negotiations.

Critics of Ambassador Hill have looked at a disappointing outcome at Six Party Talks and pointed the blame at him. It is a chilling thought, but it must be noted that without Ambassador Hill's commitment, the situation could have been far worse. In this regard, I am grateful to Ambassador Hill for all that he accomplished with a government well-known for its intransigence—clearly, the most intransigent government on the face of the Earth.

The practical diplomatic skills Ambassador Hill demonstrated in the Balkans and North Korea are what we need in Iraq. We will need his past experience with refugees and internally displaced persons. We will need his ability to interact with all parties as a fair arbitrator, and we need his experience with security issues and the training of police.

Now, more than ever, it is absolutely critical to demonstrate to the Iraqi people and the world that we value the importance of the future of Iraq. At this critical turning point, we must have a diplomat in Baghdad who can confront the many challenges and provide the necessary leadership for our mission. It is in this regard that I strongly support the nomination of Ambassador Chris Hill, not only because he is an accomplished diplomat but because he is the right person for the task at hand in Iraq.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Madam President, today is a sad day in the history of the world. It is Holocaust Remembrance Day. This month marks the 65th anniversary of a daring escape from Auschwitz by a teenager who then revealed

the truth about the death camps, only to be ignored by the allied leadership.

In March 1944, the Germans occupied Hungary and prepared to deport that country's Jews—numbering approximately 750,000—to Auschwitz. A 19-year-old prisoner, Rudolph Vrba, together with fellow inmate Alfred Wexler, decided to do something that almost nobody had ever done before: escape from Auschwitz. They were determined to alert the world about the doom Hungarian Jews would soon face.

On April 7, Vrba and Wetzler slipped away from their slave labor battalion and hid in a hollowed-out woodpile near the edge of the camp. On the advice of Soviet prisoners of war, the fugitives sprinkled the area with tobacco and gasoline, which confused the German dogs that were used to search for them.

On their second day in the woodpile, Vrba and Wetzler heard Allied warplanes overhead. "They came closer and closer—then bombs began to crunch not far away," Vrba later recalled in his searing memoir *I Cannot Forgive*. "Our pulses quickened. Were they going to bomb the camp? Was the secret out? . . . Was this the end of Auschwitz?"

The Allied planes were actually bombing German oil factories in and around the Auschwitz complex. The idea of bombing the death camp had not yet been proposed to the Allied leadership, and details such as the location of the gas chambers and crematoria were not yet known to the Allied war command. But that was about to change.

On April 10, in the dead of night, Vrba and Wetzler emerged from the woodpile and began an 11-day, 80-mile trek to Slovakia. There they met with Jewish leaders and dictated a 30-page report that came to be known as the "Auschwitz Protocols." It included details of the mass-murder process, maps pinpointing the gas chambers and crematoria and warnings of the impending slaughter of Hungary's Jews.

"One million Hungarian [Jews] are going to die," Vrba told them. "Auschwitz is ready for them. But if you tell them now, they will rebel. They will never go to the ovens."

A copy of the report was given to Rudolf Kastner, a Budapest Jewish leader. Instead of publicizing the information, Kastner negotiated a deal that involved bribing the Germans to permit a train with 1,684 of his relatives, friends and Hungarian Jewish leaders to leave the country. Kastner's action became the centerpiece of a controversial trial in Israel after the war.

Another copy of Vrba's Auschwitz Protocols was given to Rabbi Michael Dov Weissmandl, a rescue activist in Bratislava, who then wrote the first known appeal for the use of Allied air power to disrupt the mass murder. Weissmandl's plea to the Allies to bomb the railroad lines between Hungary and Auschwitz reached the Roosevelt administration in June.



Assistant secretary of war John McCloy responded that the request was “impracticable” because it would require “diversion of considerable air support essential to the success of our forces now engaged in decisive operations.” He also claimed the War Department’s position was based on “a study” of the issue. But no evidence of such a study has ever been found by researchers. In reality, McCloy’s position was based on the War Department’s standing policy that no military resources should be allocated for “rescuing victims of enemy oppression.”

Vrba’s report convinced the Jewish Agency leadership in Palestine to change its position on bombing. Agency leaders initially opposed bombing Auschwitz because they believed it was a labor camp, not a death camp. But after receiving the Auschwitz Protocols in June, agency officials lobbied British, American and Soviet officials to bomb the camp or the railways leading to it. Their requests were rebuffed.

Most important, a condensed version of the Auschwitz Protocols reached the U.S. Government’s War Refugee Board in June. It helped galvanize the board mobilize international pressure on Hungary to halt the deportations to Auschwitz. Although that effort came too late for the more than 400,000 Hungarian Jews who had been shipped to their doom, it did spare the 200,000-plus who were still alive in Budapest.

The full version of the Vrba report was actually held up in Switzerland for three months by U.S. diplomats who regarded it as low priority. And when the report finally reached Washington in October, the Office of War Information opposed distributing it; OWI director Elmer Davis claimed the report was actually part of a Nazi conspiracy to “create contempt for the [Jewish] inmates” by showing that the Jews were not resisting their killers.

Fortunately, Davis and his cockamamie theories were too late to blunt the impact of the Auschwitz Protocols. The Hungarian deportations had been stopped, and Rudolf Vrba and Alfred Wetzler had played a significant role in bringing that about.

So it was held up by U.S. diplomats, who regarded Auschwitz, in this situation, as a low priority.

I will show you a picture of what is happening in North Korea. These are North Korean children who are being starved to death. These pictures were smuggled out by activists who wanted us to see what is taking place there. There are reliable estimates that up to 10 percent of the North Korean population has been starved to death in a gulag system, which I have spoken about many times on this floor, or by a regime that willfully gives food to those they deem reliable and willfully keeps food away from those they deem unreliable—including innocent children.

This is taking place today on Holocaust Remembrance Day, in full view of the world, with full knowledge of

U.S. diplomatic officials and with the knowledge that this has been going on for some time. They have deemed it a low priority, that it is not essential for us to deal with it at this time, that we have more important obligations to the world and to ourselves. And they starve and they die. It continues.

The situation in North Korea has been studied fairly in depth. Here is a report done by the Committee for Human Rights in North Korea, chaired by Vaclav Havel and Eli Wiesel, among others. It is titled “Failure to Check the Ongoing Challenge in North Korea,” about the starvation at the gulags. Here is another report titled “North Korea: Republic of Torture.” They gave this report. And we have our own report by the Congressional Research Service, titled “North Korean Refugees in China and Human Rights Issues: International Response and U.S. Policy Options.” So we have a number of studies. Ambassador Hill knows of these quite well.

Here on Holocaust Remembrance Day, this sounds eerily familiar—deeming this a low priority, saying that we have other more urgent needs and we should not divert resources or attention or focus to another area. And they continue to die. It seems as if we have seen this play before. It always saddens me to see this play. I don’t like it.

The title for this year’s Holocaust Remembrance Day is “Never Again: What You Do Matters.” I think that title could not be more appropriate when we are debating the new potential Ambassador who will go to Iraq. It does matter. This has been a matter that for some length of time I have negotiated with this Ambassador—to elevate this issue in North Korea. But it hasn’t taken place. And we continue to see this situation.

I guess you could say: Well, OK, we could do that. We must have gotten a great deal for letting this situation be ignored. Yet as articulated last night—actually it will be worthwhile to go through it right now.

Let’s look at the deal we got from the North Koreans in the six-party talks. Let’s put these guys on the side bench. We are not going to consider them right now. It is low priority.

This is what the United States got out of the six-party talks where we set aside the human rights issue—not now, even though we have a special envoy for human rights, even though the Congress passed a bill, the North Korean Human Rights Act, after we have done all these things, but, OK, we are going to set that aside right now because we got a good deal in the six-party talks out of the North Koreans. I know they are difficult to deal with, tough negotiators, crazy, but we got a good deal this time.

What we got out of it was we obtained an incomplete declaration from North Korea which the United States was unable to verify. They gave us a declaration, and we could not verify it. It was incomplete. It was also radio-

active, which is spiteful on the part of the North Koreans. The actual report was radioactive.

They imploded a cooling tower at Yongbyon—a little bit of theater, a camera shot, a photo op. It did not stop them from producing nuclear material there. It is just less safe to do it now in this spot. They are even saying now they are going to produce there.

In the last 2 weeks, they have launched a missile that flew over Japan and has a range to reach the western United States. They have captured and detained two U.S. citizens who were reporting on this situation.

They are being investigated for selling nuclear material to Iran. That is what has happened in the last 2 weeks. They pulled out of the six-party talks and kicked out U.N. inspectors. That has happened. That was the deal we got.

What did the North Korean regime get so we could set aside this sort of human rights mess there and kind of ignore that? What did they get? They got delisted as a state sponsor of terrorism. They were able to access funds they had in an international bank. Probably those were gotten funds by selling drugs or by printing U.S. currency, which they are greatly proficient at doing. They obtained key waivers of U.S. sanctions imposed after the regime’s illegal nuclear detonation in 2006. So we waived those sanctions. They got off the state-sponsored terrorism list. They received tens of millions of dollars worth of U.S. energy assistance, fuel oil we gave them. That is what the Soviets used to give the North Koreans. Now the United States is giving it to North Korea. They were allowed to continue totalitarian oppression and starvation of the North Korean people and continued operation of a gulag of concentration camps for political dissidents. They were never required to release or account for all abductees or POWs or acknowledge a clandestine uranium enrichment program or their role in Syria’s reactor bombed by the Israelis. That was a North Korean-designed reactor. They didn’t have to say: This is what we did with that. They were able to test ballistic missile technology in violation of U.N. Security Council sanctions without any meaningful consequences.

That was the deal we got, and that was the deal North Koreans got. We called off the human rights issue, which I was pushing and a number of people here were pushing for years, holding up different things in the system saying, you have to deal with this because we don’t like these pictures; we know what is going on; you have to stop it. No, we have to put all that aside; this is a great deal. It was a terrible deal.

Who was the head of all these negotiations? It turns out it is the individual we are now going to promote to the lead diplomatic post around the world for us, Ambassador Chris Hill, nominated to be our Ambassador to

Iraq at the very point in time when those negotiations are moving into the most important diplomatic phase, more from the military phase to the diplomatic phase. This is the key person, this is our lead person on the ground, this is our representative to the Iraqi people whom we put in place, and this is the deal he got in his last assignment. Let's set aside those nettlesome human rights issues that always seem to pop up and get in the way.

On its face, we should not put the individual who negotiated that bad deal and ignored that terrible situation into our best and most important post around the world. We should not do that. And certainly adding insult to injury, doing it on Holocaust Remembrance Day when we have a modern equivalent—not an equivalent, that is not fair to say—we have a systematic modern killing by a government of millions of North Koreans, and that is taking place now.

One can say, I guess, there is nobody else who would take the post in Iraq. And yet CNN was reporting the story about General Zinni, a highly decorated individual of our Government, being offered the post of Ambassador to Iraq by Secretary of State Hillary Clinton, being congratulated by Vice President JOE BIDEN, and then mysteriously it is pulled back and he is not given the post. Here General Zinni, a highly qualified, knowledgeable individual of what is taking place in the region—he was certainly a skeptic on parts of the war, an individual with whom I disagreed, but he had his basis to do that—this is the individual who was initially nominated for this post or initially put forward and then suddenly is abruptly pulled out and instead they bring forward an individual who negotiated this bad deal.

Why not General Zinni? If people are so upset, as they I guess rightfully should be, that we do not have anybody in that post, why did they throw the last ambassador out so quickly before we got this one in or bring in General Zinni who doesn't have these questions and problems and doesn't have this history of a horrific failure. Why not General Zinni? We can move him through fast. No problem. He is knowledgeable and qualified, not this controversial background nor this ignoring of a human rights disaster in North Korea as being problematic and nettlesome and harmful to the overall debate.

Never again, as we say, never again are we going to let this sort of situation bubble up on us. Never again Rwanda. Never again a holocaust. Never again, as it happens today.

I want to go through what is happening. I have a number of points I want to cover, but let me start with this. I had a lengthy and ongoing discussion with Ambassador Hill about the human rights situation in North Korea and the problems with it. He refused to invite the Special Envoy Jay Lefkowitz to those negotiations. I

talked directly with Jay Lefkowitz since that period of time. Jay said he was never invited by anybody or by Mr. Hill to the six-party talks or any associated talks. He was kept away from them.

There has been a refusal by Ambassador Hill to comply with the North Korean Human Rights Act. He refused to make use of resources at his disposal to assist in bringing out the human rights issues overall.

I want to read from the record what Ambassador Hill said. We had this ongoing negotiation. I know there is some question about what he actually committed to. I have been talking with people at the State Department for some period of time. They continue to say: No, we are not going to do human rights, but we might do something, this or that. I said: It is not good enough; it needs to be involved in the actual negotiations and is actually a key to getting the regime under control and getting it to stop doing the terrible things it is doing now if you bring up the human rights issues. When you put exterior pressure on North Korea—you have to stop the missiles, nuclear development—the leader can say to his own people: They are threatening us and we have to stand together and be protected. When you talk about human rights, this is what he is doing to his own people. It weakens the regime. They refused to bring that up.

In a hearing before the Armed Services Committee on the six-party talks and implementation activities, Ambassador Hill spoke. Senator John Warner worked with me, saying: Will you work with Ambassador Hill? Yes, if he includes the Special Envoy for human rights in these talks. If he agrees, fine, let's get it out in a public hearing and out on the record and move forward with it. This is what happened at that hearing on July 31 of last year. I was there. I asked Ambassador Hill:

... will you state that the Special Envoy will be invited to all future negotiating sessions with North Korea?

That was my question in a public hearing on the record. This was choreographed ahead of time. I asked:

... will you state that the Special Envoy will be invited to all future negotiating sessions with North Korea?

"All future negotiating sessions with North Korea."

Ambassador Hill: I would be happy to invite him to all future negotiating sessions with North Korea.

Senator BROWNBACK: Thank you.

Those are two sentences. As a lawyer, that is pretty clear. It is "all." It says "all." We both say "all." It is not, well, OK, I meant this group, not that group of sessions. There was no parsing of words because I knew this is what would take place if I did not get a complete statement, and it was a complete statement—all future negotiating sessions. "I would be happy to invite him to all future negotiating sessions with North Korea," and that did not occur.

We received a statement from Jay Lefkowitz who was our Special Envoy

to North Korea. I talked with Jay about this. Let me dig up the statement he sent back to me on the specifics of whether he was invited to any of those sessions. He said he was invited to none of them. Yet here is a statement that he will be invited to all. Jay Lefkowitz: I was invited to none.

Misleading or lying to a Member of Congress at the Senate Committee on Armed Services by the individual we now are asked to trust with the most important account that we have. He is going to be an individual who is going to come back up to this body and he is going to be asking for resources, he is going to be asking for different things for the Congress to do. This is an individual I have had some depth of experience with and I am going to question what he is asking and what he is guaranteeing then in the process, if this is the way he has dealt with me on a very specific, a very clear issue that has come forward.

A number of my colleagues have questions about his overall qualifications to go to the region in Iraq with no prior experience there, when you have an individual such as General Zinni who wants to take the post and has enormous experience in the types of things about which we are talking. I think this is lamentable.

I put in a bill last night. It calls for resanctioning North Korea with the sanctions that were lifted off this deal that was structured. This bill calls for resanctioning North Korea, putting it back on the terrorism list, not sending them more fuel oil, funds to have at their disposal from us, fuel oil to fuel their economy. I think this is appropriate for us to be discussing at this point in time since the individual who negotiated that deal is the one we are considering for this next future negotiation.

It is my hope that we can bring that bill up, that we can get some sort of vote on it. I remind individuals—and I know President Obama is very concerned about what is taking place in North Korea. He stated it, he stated very publicly that he is concerned about it. He stated it as a candidate, and he stated it as a Senator.

I want to put up a quote from Candidate Obama who was also then Senator Obama at that point in time about what he was saying about North Korea. He said this:

Sanctions are a critical part of our leverage to pressure North Korea to act. They should only be lifted based on North Korean performance. If the North Koreans do not meet their obligations, we should move quickly to re-impose sanctions that have been waived, and consider new restrictions going forward.

This is Candidate Obama, Senator Obama, now President Obama, what he stated on June 26, 2008.

What has been the performance by North Korea? I have gone through this. I think it is worth noting, but the most obvious one is a big missile test that

took place less than 2 weeks ago. They are now restarting a nuclear reactor. They are being investigated for sending nuclear material to Iran. The North Koreans have arrested two U.S. citizens. That is the performance that has taken place. We go to an international body, the U.N., and they say we ought to put sanctions on them. I am saying we ought to put our own sanctions back on based on what our President said, as a candidate at that time.

In deference to several of my colleagues, I have much more to say, but I will allow others to speak, and then I will come back later in the day to speak further.

With that, at this point in time, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I rise to speak on behalf of Ambassador Hill. First of all, I wish to commend my colleagues. Yesterday, by a vote of 73 to 17 the Senate confirmed the nomination of Ambassador Chris Hill to serve as our Ambassador to Iraq, and I cast a vote for him. I did not get the chance yesterday to speak prior to the vote, so I wished to take a couple minutes today because I think this is an important issue. It's not just about Chris Hill but also about how we conduct diplomacy and about a professional, an individual who has served in administrations, regardless of politics or party, but as a professional. It is extremely important, in my view, that we have a cadre of professional people in our diplomatic corps who can serve both Democratic and Republican administrations with dignity, with professionalism, with brilliance in this case, and that we recognize them. That will necessitate from time to time that there will be a change in policies, but having individuals who are able to accommodate those changes and serve the interests of our country in a highly professional capacity is something to be celebrated, in my view, and something we need more of, not less. My support for Chris Hill's nomination is not to suggest that I necessarily agreed with every decision he made when he served at the discretion of Condoleezza Rice and President Bush but because he did so professionally and with great capacity. That willingness is something I believe we need to celebrate, as I said a moment ago, more often.

Chris Hill is one of America's most accomplished Ambassadors and diplomats. He has served as Ambassador of our country to Macedonia, to Poland, and South Korea, as Special Envoy to Kosovo, and as a key negotiator of the 1995 Dayton Accords. He has been the Assistant Secretary of State for East Asia, and the Special Envoy to the six-party talks on North Korea's nuclear program.

His experience, tremendous professionalism and discipline, and his very keen analytical skills have made Ambassador Hill uniquely qualified, I believe, to serve as Ambassador to Iraq.

It is high time the Senate confirmed him. This has gone on too long, given the importance of that Nation and the very precarious situation Iraq is in as it transitions from a nation at war with itself to the political stability we all hope will be achieved.

The purpose of the surge in Iraq was to create the breathing space for the Iraqis to engage in political reconciliation and the political processes that would enable the Government to address the needs of its people and to rely less on American Security forces while doing so. The reduction in violence is a very positive sign and one that all of us welcome. But we must ask ourselves some critical questions as well: Have the fundamentals in Iraq changed? Is this reduction in violence organic or temporary? Is it sustainable? Have the fundamental roadblocks to political reconciliation been removed? How real is that progress? How fragile is it? Given the answers to these questions, what strategy should the United States employ in Iraq?

I believe we made the correct decision yesterday by a vote of 73 to 17 that Ambassador Hill is the right person to analyze these questions. He has a wealth of experience in very difficult places around the globe. While he lacks the so-called direct experience in this part of the world, the skill sets he brings to this are absolutely essential, in my view, to navigate these very difficult issues I have raised. So we need to recognize that.

I also believe he is the right individual because he has demonstrated a solid grasp of the complex Iraqi reality, as well as a commitment to working toward reconciliation in Iraq and helping build an inclusive and responsive government that meets the needs of its people, while allowing American forces to quickly withdraw in the most responsible way possible.

I am confident Ambassador Hill can accomplish this extraordinarily difficult and complex mission because he has demonstrated his ability to do so time and time again. Most recently, with the full confidence of the former President and Secretary of State, Ambassador Hill coordinated difficult and highly sensitive multilateral negotiations over North Korea's nuclear program.

For people who supported President Bush's policy regarding North Korea to raise objections to Ambassador Hill's embrace and faithful execution of that policy is somewhat illogical. Similarly, it is unfair and dangerous for us to sit here and second-guess every split-second decision our Ambassadors around the world have to make, often in extremely difficult and rapidly changing circumstances, when those decisions are consistent with the guidance of the Secretary of State and the President, as they were in the previous administration. On one such occasion, in fact, in his negotiations on North Korea, then-Secretary of State Condoleezza Rice approved of Chris Hill's quick

thinking and adaptability, and she was highly critical of his Chinese negotiating partners for complicating an already tenuous situation.

The American people need our Ambassadors to carry out administration policy at the direction of the President and the Secretary of State and to think quickly on their feet when unexpected circumstances arise. Chris Hill has demonstrated the ability time and time and time again to make those kinds of decisions that advance our interests as a nation through the diplomatic process. To do otherwise would be irresponsible.

Moreover, I am concerned about the complaints that Ambassador Hill did not press hard enough against North Korea on its deplorable human rights record. North Korea's human rights practices are horrific. We all know it. I know of no one, including Ambassador Hill, who thinks otherwise. But to claim Ambassador Hill somehow failed to faithfully and energetically carry out the human rights policies of President Bush and Secretary of State Rice, I think, is wrong. It is not just unfair to him and unfair to the former President and Secretary of State, it is a naive oversimplification of a highly complex matter, particularly when the reduction of a nuclear threat was the primary objective of those efforts.

Ambassador Hill, has earned the support of the chairman and ranking member of the Senate Committee on Foreign Relations, Generals Petraeus and Odierno, and the last three U.S. Ambassadors to Iraq. Ambassador Hill has testified before the Foreign Relations Committee and has answered all our questions on that committee, and I believe it is time we stopped delaying and send this Ambassador to Baghdad, where he is needed to carry out the critical missions of our Nation and advance the interests of our Nation. I know I am not alone in my belief that we are lucky to have such a talented and dedicated public servant to take on this daunting task, and I would urge my colleagues to support his nomination.

I referred earlier to the vote yesterday. That vote was on a cloture motion to go to Ambassador Chris Hill's nomination. When I said it was a vote on his nomination—that vote of 73 to 17—it was a vote that allows us to get to the vote on the nomination. I was confusing the cloture motion with the vote to come on his nomination, which will occur at some point in the next day or two. Again, I urge my colleagues to be as supportive in the nomination as they were on the cloture motion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

EARTH DAY

Mr. ALEXANDER. Madam President, tomorrow is Earth Day, and it is a good day to save our mountaintops. I live in east Tennessee, near the edge of the Great Smoky Mountains National Park. Millions of Americans visit us

every year because of the natural beauty of our landscape. They do not come to Tennessee to see the smog, they do not come to Tennessee to see creeks polluted by mountaintop mining, and they don't come to Tennessee to see ridgetop wind turbines that are three times as tall as our University of Tennessee football stadium, which, with their transmission lines, would create a junkyard in the sky.

The American landscape is a part of our environment. It is essential to the American character. From John Muir and Theodore Roosevelt to Lady Bird Johnson, generations of Americans have worked to protect the landscape. Some of the same groups that have worked hardest to protect the landscape are neglecting it in pursuit of remedies for climate change.

I am working with three Democratic Members of Congress to try to protect the American landscape. The first is Senator TOM CARPER of Delaware. He and I are introducing legislation to put stiffer controls on sulfur, nitrogen, and mercury emissions from coal plants. We have the technology to make the air cleaner, and we should be using it. There is no need to delay dealing with sulfur, nitrogen, and mercury while we figure out what to do about carbon.

Secondly, Senator CARDIN of Maryland and I have introduced legislation to ban the practice of blowing off the tops of mountains and dumping the waste in streams to mine coal. Coal is essential to our energy future. I hope we will reserve a Nobel Prize for the scientist who finds a way to deal with the carbon from existing coal plants. But we will create many more jobs by saving our mountaintops to attract tourists than we will by blowing them up to find coal, especially because our State produces less than 2 percent of the Nation's coal.

Finally, Representative HEATH SHULER of North Carolina and I hosted a forum in Knoxville highlighting the Tennessee Valley Authority and their choices for renewable energy. Conservation and nuclear power are realistic options for clean electricity for our region, and we should move ahead aggressively with both. But solar power, for the longer term; underwater river turbines in the Mississippi River; biomass, such as wood chips; and methane from landfills are all good choices for renewable electricity as well.

On the other hand, the idea of polluting our landscape with 500-foot wind turbines and their transmission towers is preposterous. It makes no sense to destroy the environment in the name of saving the environment, especially since the wind only blows about 18 percent of the time at TVA's one wind farm. And much of that is at night, when TVA already has thousands of unused megawatts of electricity that we could be using. TVA should take the \$60 million it is spending to buy about 5 megawatts of unreliable wind power and instead buy 10 compact fluorescent light bulbs for every TVA household,

which, if used, would save about 920 megawatts of reliable power—the equivalent of an entire nuclear plant.

Senator CARPER and I will host a roundtable this Thursday in the Capitol on our legislation to establish stiff standards for sulfur, nitrogen, and mercury. The Tennessee Valley Authority needs to go ahead and put sulfur, nitrogen, and mercury controls on all its large coal plants that it intends to keep open. But TVA actions alone will not be enough to give us clean air in the Great Smoky Mountains and in Tennessee. We need strong national standards, such as those in our legislation because so much of our dirty air blows in from coal powerplants in other States.

During each of the 2-year Congresses in which I have been a Senator, I have introduced legislation to curb pollutants from coal plants, including carbon. Tomorrow is Earth Day and a good day to save our mountaintops. The way we should do that is to have stiffer controls for cleaner air, to ban mountaintop removal for coal mining, and to stop the practice of wasting ratepayer dollars for ridgetop wind turbines that destroy the landscape, which is also an essential part of the American environment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Madam President, I thank the Chair.

(The remarks of Mr. CASEY pertaining to the introduction of S. 839 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CASEY. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, in late February, President Obama made an announcement to thousands of marines in Camp Lejeune about bringing an end to the war in Iraq. After only 5 weeks in office, this President delivered on what I consider to be one of his most important campaign promises—to end this war once and for all.

But amidst this historic position and with this change that is looming, the Senate unfortunately has delayed the confirmation of the United States Ambassador to Iraq. We have gone almost 2 months without an ambassador in Iraq. With more than 140,000 American military personnel literally risking their lives in that country, the Senate has refused to fill this vacancy and to send our highest ranking civil official to Iraq to work with our military for a peaceful conclusion to this war. It is unforgivable. It is inexcusable. It is a fact.

Ambassador Hill, Christopher Hill, the man who has been nominated for this position, is a highly accomplished career diplomat. This is not a man who comes to this job without experience. He has served America for over three decades in some of the world's most difficult and challenging situations. Here is what President Obama said in nominating Christopher Hill to be our Ambassador:

From his time in the Peace Corps to his work in Kosovo and Korea, Ambassador Hill has been tested, and he has shown the pragmatism and the skill that we need right now.

In the former Yugoslavia, Ambassador Hill was at the center of negotiations for the Bosnia peace settlement. He was the first United States Ambassador to Macedonia, where he helped to build the basic institutions of democratic governance and civil society. As our Ambassador to South Korea, Christopher Hill worked with Korean officials and U.S. military leaders to develop and implement the most significant realignment of military posture in the region since the Korean war of the 1950s.

Most recently, as Assistant Secretary of State for East Asian and Pacific Affairs, Ambassador Christopher Hill worked with China, South Korea, Russia, and other nations to advance negotiations with North Korea over its nuclear program.

Some have argued on the floor that Ambassador Hill did not adequately press the North Korean Government on its deplorable human rights record. But, in truth, Hill did address the North Korean human rights record, but he did so while following the President's request to keep denuclearization of the Korean peninsula at the forefront of his agenda.

President Obama's plan to remove 140,000 troops from Iraq, including all combat forces by next summer, is a challenge. It is a challenge not only for our military but also on the diplomatic front. We will be working with the Iraqi Government throughout this transition to make certain we do everything in our power to have a meaningful handover of authority and a stable Iraq left behind. We are going to have 35- to 50,000 transitional forces that will remain to train and advise Iraqi security forces, to conduct counterterrorism operations, and to protect American civilian and military personnel. Those transitional forces are scheduled to leave by the end of 2012. Is there anyone who believes we can accomplish this without having our best and brightest on the ground in Iraq? Is there any parent or spouse, relative, or friend of a service man or woman now risking their life in Iraq who does not believe we should have an ambassador on the ground? How can we explain to these soldiers that for 2 months, while Congress sits here wringing its hands, we have not sent an ambassador to Iraq?

Yesterday, we were forced to have a cloture vote. A cloture vote basically

says: Stop talking, Senators, and get down to business. Make a decision once in a while.

Do you know what the vote was yesterday? It was 73 to 17. That means that not only the 57 Democrats who are here but at least 16 of the Republicans joined us and said: Let's get this moving.

How do we find ourselves in this position where the President wants to send the most important civil representative of our Government to a nation where American soldiers' lives are at risk and the Senate wrings its hands and says: Well, maybe we ought to wait a few days; maybe we ought to wait a few weeks; maybe we ought to let this sit over the Easter recess while we eat our Peeps and jellybeans. I do not buy that. This is a critical decision for America's security interests. Sending a diplomat of the skill of Christopher Hill is absolutely essential to protect America's interests, to protect the interests of servicemen, to make certain we have an ongoing relationship with the Iraqis, so that our service men and women can come home safely and Iraq will be stable and safe itself afterward. There is no reason to delay this 1 minute more. We should vote on Christopher Hill's nomination immediately. Why are we denying this? Why are we delaying this when 73 Senators yesterday said: Do it. That is enough. There are enough Senators to get this job done.

President Obama stated a clear goal here: ending our combat mission in Iraq by August 31, 2010. When the combat mission ends, the United States will still leave behind in Iraq the largest American Embassy in the world, where we will maintain a diplomatic mission to help a country still struggling to build stability and democracy. Is there anyone who questions whether we need an ambassador to be in that Embassy? Shouldn't that person have been there weeks ago instead of being delayed by the other side in the Senate?

I do not deny to any Senator the right to speak, express their concerns or reservations about any appointment. I do not deny to any committee of this Senate the opportunity to have a hearing, which Ambassador Hill did have. All of that happened in the regular order. At the end of the day yesterday, 73 Democratic and Republican Senators said: Get on with it. Still, we languish over this nomination at this very moment. The military leaders, American military leaders of Iraq, have been begging this Senate to do its job and send an ambassador who can complement the fine work of General Odierno in Iraq. We continue to delay.

The President's plan for Iraq is measured and thoughtful and will bring a resolution to this war. It sends a message to the Iraqi political leadership that they have to take responsibility for their own future. It takes into consideration the concerns and recommendations of the senior military

leaders regarding the time for the drawdown and the manner in which it will be implemented. It frees resources for the real battle against al-Qaida in Afghanistan, which was the source of the 9/11 attacks. It includes comprehensive diplomatic engagement with all of the countries of the region not only on the future of Iraq but on other important regional challenges. It begins to put an end to the extraordinary cost to America and American families in terms of lives and dollars that the Iraqi war has entailed.

Our military men and women have served heroically in Iraq. I have been there to visit them. I have been several times in my home State to see our Guard units take off and join the conflict. I have been there to welcome them home, attended the funerals. We could not ask for anything more. They have given us so much, and they continue to do so as we meet in the safety of the Senate Chamber here in the Capitol. More than 4,200 Americans have been killed, 165 from my home State of Illinois. When the war started, I said I would write a note to the families who lost soldiers from my State. Little did I dream that years later I would still be signing those notes, as I did yesterday. Thousands have suffered serious physical and psychological injuries. That is the real cost of this war. Civilian experts in and out of the Government have also served with distinction and paid with their lives. Thousands of innocent Iraqis have died. I have seen firsthand the dangerously hard work our soldiers face.

We owe them gratitude and admiration, but we also owe them our best efforts to make certain we bring this war in Iraq to an end in the best possible way. President Obama has the strategy, but to implement this strategy we need an experienced ambassador in Iraq without any further delay.

I wonder what would have happened under the previous administration if the Democrats had held up a key appointment of an ambassador to Iraq in the midst of a war. Well, I can tell you what would have happened: The right-wing radio would have gone crazy, talking about endangering American servicemen by not filling this critical position. We would have speeches on the floor about shirking our responsibility and that we cannot go home for a break until we send a full complement of our best and brightest to represent America in Iraq. I can almost predict that would have happened if we had been so shortsighted under the previous administration as to hold back a career diplomat such as Christopher Hill.

Well, it has happened here, and it is happened for too long. It is unforgivable. It is inexcusable. Members have had plenty of time to give their speeches, to express their concerns, even to vote no, which is their right to do if they believe this man is not the right person for the job. But it is time for us to get on with this important mission.

We owe it to those men and women who are risking their lives in Iraq. We owe it to all who have served there and to the American people who have sustained this war, as expensive as it has been in terms of life and costs. It is time for us to stop wasting time. It is time for us to fill this position and send Christopher Hill to be the U.S. Ambassador to Iraq.

Mr. DURBIN. Madam President, I yield the floor.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BURRIS).

## NOMINATION OF CHRISTOPHER R. HILL TO BE AMBASSADOR TO IRAQ—Continued

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I trust we are not in a quorum call.

The PRESIDING OFFICER. We are not.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as in morning business and that Senator BROWNBACK be recognized following my presentation.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DORGAN are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I rise to speak on the Chris Hill nomination to be Ambassador to Iraq. I am opposed to that nomination. A number of issues have been raised on this nomination I want to talk about to try to put some factual setting associated with that.

First, though, I wish to have printed in the RECORD at the end of my statement a Jerusalem Post online edition article dated yesterday that I read extensively from in my first presentation regarding the 65th anniversary of the escape from Auschwitz. I ask unanimous consent to have that article printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BROWNBACK. I want to note for my colleagues, I read extensively from this article and did not cite that during my initial presentation. I want to make sure they know this came from that reporter and that we were putting that in.

Second, there has been a lot of discussion here about: OK, we have to get this person confirmed. We have to get him out, and it is a terrible shame it has not taken place to date.

I agree we need an ambassador to Iraq. There is no question about that. I appreciate my colleagues' concern about getting an ambassador to Iraq. I would note, there is one who does not have the controversy this one has who was offered the post initially, who accepted it, and then somehow this was mysteriously withdrawn. So there was a person we could have gone forward with, who had accepted it, and for some reason it was pulled back.

Yesterday, CNN was talking to General Zinni, retired General Zinni, and I wish to quote from this report from yesterday.

Zinni told CNN Monday he hasn't been given any explanation about why the offer he got in January for the post—

This is U.S. Ambassador to Iraq—which he accepted was abruptly taken back. Zinni confirmed in an e-mail that he was asked to take the job by Secretary of State Hillary Clinton, and even congratulated by Vice President JOE BIDEN, but then the offer was revoked and extended to Hill, a development Zinni says he heard on the news. Zinni is a retired four-star Marine general and former head of Central Command. Like President Barack Obama, he was an early critic of the Iraqi war.

He would seem like a likely—logical, actually—pick for our Ambassador to Iraq, putting forward somebody whom I could have seen supporting. He is knowledgeable of the region and not with a history of deception toward this body or of problems dealing with human rights issues.

To my colleagues who put forward: We have to get this done, it is a terrible tragedy you are holding this up, well, why didn't you nominate somebody such as Retired General Zinni, or why did you pick him and then pull him back? That might be a more interesting note to find out. It would be interesting to me, anyway and, I would hope, to a number of other people.

The reason I have trouble with this nominee is because of this nominee's past performance, lack of concern on human rights, and then we are giving him this great, huge assignment for the United States, and I don't agree with that.

Mr. President, I ask unanimous consent that this be printed in the RECORD at the end of my statement as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. BROWNBACK. Thank you very much, Mr. President.

There has also been a charge that Ambassador Hill simply didn't raise the human rights issues because the Bush administration wouldn't let him do this and that you needed to look up the ladder, not at Ambassador Hill on this. I can tell my colleagues from my personal conversations with President Bush, he was deeply concerned about human rights. He loathed Kim Jong-Il because of the human rights issues more than any other. Those were his statements. I personally had two direct conversations at length with the President about this.

The idea that somehow Chris Hill couldn't do this because the President and his apparatus wouldn't agree to it raises some major questions about that charge because it certainly wasn't the President who was saying anything such as that. I think that one is patently false on its face.

There is also this unfortunate history that Chris Hill has of diminishing and playing down human rights issues. There are human rights issues in Iraq as well, and there are going to be as we go forward in that region. To have somebody who consistently has played these down, ignored them, papered them over, that raises real questions to me.

To support that, I wish to put forward as well some thoughts from others of my colleagues who are concerned about human rights. I have cited my own discussion with him. I have cited previously, but I think this bears putting forward to my colleagues again, Jay Lefkowitz was our North Korean Human Rights Special Envoy, who was appointed pursuant to the North Korean Human Rights Act that this body passed and the President signed, and Jay Lefkowitz wrote to me:

At no point during my tenure as special envoy for human rights in North Korea, either before or after July 31, 2008, did Chris Hill or anyone acting on his behalf invite me to participate in any six party talks; any, none, not at all. Jay.

This is after Chris Hill had stated in open testimony before the Senate Armed Services Committee, when I was asking him:

Will you state that the special envoy will be invited to all future negotiating sessions with North Korea?

Ambassador Hill responds:

I would be happy to invite him to all future negotiating sessions with North Korea.

This is on the Record. This is Jay Lefkowitz' statement afterward.

I ask unanimous consent that both of those be printed in the RECORD after my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 3 and 4.)

Mr. BROWNBACK. Mr. President, a number of my colleagues will know Congressman FRANK WOLF from the House side as a wonderful human rights advocate and has been for a number of years. He is deeply concerned about human rights issues overall. He has worked these issues for a long period of time. He is a fabulous man on these topics. He wrote Ambassador Hill on February 5, 2009, this to Ambassador Hill on his nomination to go into Iraq:

While I do not question your qualifications as a diplomat, I must be frank in telling you that I was often disappointed in your approach to diplomacy with North Korea; specifically, your marginalization and oftentimes seeming utter neglect of human rights.

In a Washington Post piece Michael Gerson described your shaping of America's North Korea policy in this way—

Now, Michael Gerson was on the inside of the Bush White House and cites

to Ambassador Hill as shaping United States-North Korea policy, and Michael Gerson writes this:

Hill has been a tireless advocate of preemptive diplomatic concessions—

preemptive diplomatic concessions—and the exclusion of human rights issues from reports and negotiations.

That is the end of the quote from Gerson.

It is difficult to know how much the policy you were pursuing simply reflected the President and the Secretary's aims or whether you were in fact the chief architect and advocate of this approach. Regardless, while Iraq and North Korea are obviously two very different countries, it gives me pause as I consider the human rights challenges confronting Iraq's ethno-religious minorities who are increasingly under siege.

This is taking place in Iraq today. We have all these human rights abuses that are boiling in Iraq today, and now we want to send a guy who has a highly questionable record on human rights in his last assignment.

FRANK WOLF goes on:

More than 500,000 Christians, or roughly 50 percent, have fled Iraq since 2003. Even though Christians make up only 3 percent of the country's population, according to the U.N. High Commission for Refugees, they comprise nearly half of all refugees leaving Iraq. As Iraq has continued to stabilize, these minority populations, including the aging Christian community—some of whom still speak Aramaic—is dwindling and increasingly vulnerable to marginalization and increasing attacks, of the sort we witnessed in Mosul this past fall.

This is from Congressman FRANK WOLF.

We have a history of bad human rights in dealing with North Korea and we have a bubbling problem, a current problem in Iraq, and we send Chris Hill who has had big difficulty in dealing with it.

I ask unanimous consent to have this printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 5.)

Mr. BROWNBACK. Finally, in this tranche, there was a letter sent—this is on January 28 of 2005 and it was to the Permanent Representative of the Democratic People's Republic of Korea to the U.N., our contact point with North Korea diplomatically. It was addressed to Ambassador Pak. It states:

This letter is to inform you and your government of the distress with which the undersigned Members of the Illinois Congressional Delegation received the finding from the Seoul Central District Prosecutor's Office on December 14, 2004 that South Korean citizen and U.S. permanent resident Reverend Kim Dong-Shik had been abducted by agents of your government in northeast China in January of 2000 and taken forcibly into North Korea. Your government regretably has, by its own admission, been involved in the abduction of a number of Japanese citizens as well as an even greater number of South Korean citizens.

Reverend Kim Dong-Shik, as you may be aware, is the spouse of Mrs. Young Hwa Kim



of Chicago, Illinois, and is the parent of U.S. citizens, one of whom is currently residing in Skokie, Illinois. Citizens from a Korean-American church in the Chicago area have also raised this matter as an issue of grave concern and requested congressional assistance in ascertaining the facts behind the disappearance and current whereabouts of Reverend Kim. In pursuant of these issues, Mrs. Kim and a delegation from Illinois will be visiting Capitol Hill in the near future.

The successful resolution of this case, therefore, is of critical importance to us—

This is the Illinois delegation—

both because of the constituent interest involved as well as because it is a case involving the most fundamental of human rights. Reverend Kim, in his selfless efforts to assist refugees escaping in an underground network to third countries, brings to mind two great heroes held in high esteem in the United States. The first is Ms. Harriet Tubman, who established an underground railroad allowing for the escape from slavery of those held in bondage before President Lincoln issued the emancipation proclamation, the second is the Swedish diplomat Raoul Wallenberg who, during the dark days of the world conflict against fascism in the Second World War, rescued Jewish refugees trapped in Hungary. We view Reverend Kim Dong-Shik as also being a hero who assisted with the escape of the powerless and forgotten.

We, therefore, wish to inform the Government of the Democratic People's Republic of Korea that we will not support the removal of your government from the State Department's list of State sponsors of terrorism until such time, among other reasons, as a full accounting is provided to the Kim family regarding the fate of Reverend Kim Dong-Shik following his abduction into North Korea five years ago.

This is signed by U.S. Senators RICHARD J. DURBIN and Barack Obama. They signed this letter to our permanent representative, the permanent representative of North Korea to the U.N. on January 28 of 2005.

Well, those sanctions are now lifted. The guy who pushed for the lifting of them is now being pushed to be the Ambassador to Iraq, and Rev. Kim Dong-Shik—it is still not known where he is. He is still somewhere abducted, hopefully alive—we don't know—in North Korea.

I ask unanimous consent that this letter be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 6.)

Mr. BROWNBACK. When people say this is being held up and it is irresponsible and you shouldn't do this, I am just quoting a number of Members of Congress. I am just quoting the President. I am just pointing to a human rights situation that our Ambassador to Iraq will go into, and saying, isn't this reason enough to go with somebody such as General Zinni instead of Ambassador Hill in this situation?

Also, we haven't been able to get information from the State Department. I had asked for the instructions they had given to Ambassador Hill. He had stated in committee testimony here that at one point in time he called it "inaudible" in the negotiations, and in that "inaudible" he made a change. We

wanted to find out what State Department instructions were to him, or what they were to him on human rights issues, and that hasn't been received by my office. We haven't been able to get those back.

A number of my colleagues don't remember, or they don't cite to the period of time that Ambassador Hill was working on the Korean desk, but they do cite to what he did in Bosnia and say, OK, he was a successful diplomat, he did this; North Korea is tough, we are going to ignore that; and now let's put him in Iraq. Well, there are some real questionable records of what he did in the situation in the Balkans and in Bosnia. Here I have an article, dated March 22, of this year. I think it is very interesting and quite troubling. This is about one of the people who is charged with war crimes and his dealings with Ambassador Hill. I am going to quote from this article and enter it into the RECORD.

Every time Radovan Karadzic, the onetime Bosnian Serb leader, appears in court on war crimes charges, he has hammered on one recurring claim: a senior American official pledged that he would never be standing there being charged with war crimes.

The official, Richard C. Holbrooke, now a special envoy on Afghanistan and Pakistan for the Obama administration, has repeatedly denied promising Mr. Karadzic immunity from prosecution in exchange for abandoning power after the Bosnian war.

But the rumor persists, and different versions that recently emerged that line up with Mr. Karadzic's assertion, including a new historical study published by Purdue University in Indiana.

Charles W. Ingrao, the study's co-editor, said that three senior State Department officials, one of them retired, and several other people with knowledge of Mr. Holbrooke's activities, told him that Mr. Holbrooke assured Mr. Karadzic in July 1996 that he would not be pursued by the international war crimes tribunal in The Hague if he left politics.

Mr. Karadzic had already been charged by the tribunal with genocide and other crimes against civilians.

Now, you say, OK, that is charging Mr. Holbrooke, but let's see what the report writers go on to say about this.

The Purdue University study, "Confronting the Yugoslav Controversies: A Scholars' Initiative", instructed his principal assistant, Christopher Hill, to draft the memorandum to be signed by Karadzic, committing him to give up power—

in exchange for not being charged with war crimes.

The author of the study said Mr. Holbrooke used Slobodan Milosevic, the then Serbian leader, and other Serbian officials as intermediaries to convey the promise of immunity and to reach the deal with Mr. Karadzic. "The agreement almost came to grief when Holbrooke vigorously refused Karadzic's demand, and Hill's appeal, that he affix his signature to it," the study says, citing unidentified State Department sources.

Chris Hill's name again.

The study, the product of 8 years of research by historians, jurists, and social scientists from all sides of the con-

flict, was an effort to reconcile disparate views of the wars that tore the former Yugoslavia apart in the 1990s, Mr. Ingrao said.

The former official said Mr. Karadzic wanted written assurance that he would not be pursued for war crimes and refused to sign without them.

"Holbrooke told the Serbs, 'You can give him my word he won't be pursued,' but Holbrooke refused to sign anything," the official said. Mr. Holbrooke could make that promise because he knew that American and other western militaries in Bosnia were not then making arrests, the official said.

Neither Mr. Hill nor Mr. Goldberg responded to requests for interviews for this article.

Here is another insertion of Mr. Hill on a huge problem with human rights. This one in the Yugoslav, the Balkans theater. There it is again—North Korea, the Balkans, and we have a brewing situation taking place in Iraq, and we are going to send him there.

I ask unanimous consent that this article be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 7.)

Mr. BROWNBACK. Mr. President, I am doing that so my colleagues and others who study this can look at the factual studies we have in examining what is taking place here.

A number of my colleagues say the North Korean situation is not relevant to the debate we are in today. I don't know why it is not. When we run for office, people go look at our backgrounds and say what did they do in their past job to see if we ought to elect them for this one. People don't kind of walk into the Senate. There is an examination process that the public goes through. I don't know why we would not want to examine somebody to see their track record.

Some have suggested that the human rights issue kind of popped up in North Korea, and that we learned at the last minute, so that Chris Hill had to deal with this at a quick point so he should have had set it aside to get the full deal.

This is a February 4, 2004 article on washingtonpost.com. This is written by Anne Apolebaum. The title is "Auschwitz Under Our Noses."

As I stated, it is Holocaust Remembrance Day today. This article talks about North Korea and what is taking place there in 2004. So this didn't just pop up. There had been a documentary put forward by the BBC describing the atrocities in North Korea. I will read one section that is incredible. It says this:

Look, for example, at the international reaction to a documentary, aired last Sunday night on the BBC. It described atrocities committed in the concentration camps of contemporary North Korea, where, it was alleged, chemical weapons are tested on prisoners. Central to the film was the testimony of Kwon Hyuk, a former administrator at a North Korean camp.

This is what the administrator said:

I witnessed a whole family being tested on suffocating gas and dying in the gas chamber.

He witnessed that.

He said:

The parents, son, and a daughter. The parents were vomiting and dying, but till the very last moment they tried to save the kids by doing mouth-to-mouth breathing.

The article goes on:

The documentary also included testimony from a former prisoner, who says she saw 50 women die after being deliberately fed poison. And it included documents smuggled out of the country that seemed to sentence a prisoner to a camp "for the purpose of human experimentation."

The author writes this at the end, and this is the whole point of this:

Later—in 10 years, or in 60—it will surely turn out that quite a lot was known in 2004 about the camps of North Korea. It will turn out that information collected by various human rights groups, South Korean churches, oddball journalists, and spies added up to a damning and largely accurate picture of an evil regime. It will also turn out that there were things that could have been done, approaches the South Korean government might have made, diplomatic channels the U.S. Government might have opened, pressure the Chinese might have applied.

Historians in Asia, Europe, and here will finger various institutions, just as we do now, and demand they justify their past actions. And no one will be able to understand how it was possible that we knew of the existence of the gas chambers but failed to act.

That is what I am asking. My goodness. This has been going on, and I tried to push Chris Hill about it for years and nothing happened, and I got an agreement in open testimony in a hearing, and nothing happened after that. But now let's move him to Iraq and give him that account.

I ask unanimous consent this article be printed in the RECORD after my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.  
(See exhibit 8.)

Mr. KERRY. Will the Senator yield for a procedural question?

Mr. BROWNBACK. Yes.

Mr. KERRY. I ask my colleague, if he has a moment, to see whether we can set a time for the vote with respect to this issue.

Mr. BROWNBACK. If I may respond through the Chair, I have contacted colleagues. We are still confirming at what time they can speak. Several colleagues want to speak. We are working on that right now.

Mr. KERRY. Does the Senator have a sense of when we could try to come to some arrangement? A lot of Senators on both sides of the aisle are trying to arrange schedules, and the majority leader is trying to deal with the question of the legislative schedule. If we can get a sense of that—I know the Senator is trying to get at it. I think if we could pin this down, that would be helpful. If he could give me a sense of how many Senators, when, and if we will lock in their times and then lock in a vote.

Mr. BROWNBACK. I am contacting colleagues now. We don't have that officially tied down yet so that I can respond at this time. I appreciate my colleague from Massachusetts saying that, as I understand, there will be a hearing on North Korean—not necessarily on the atrocities, although I hope it will be covered, but also on possible sanctions on North Korea. I appreciate that is being worked on to address some of these concerns. I will be raising, as well—while my colleague is here—that we not put in a supplemental bill support for the North Korean regime that is beyond humanitarian aid, particularly as these things are surfacing now. I realize that is not the Senator's committee, but I want to make my colleagues, who know the situation well, aware of these points that I will be raising.

Mr. KERRY. Let me say that every one of us shares the outrage at the type of government and the way in which the people of North Korea are oppressed. I commend the Senator from Kansas for calling the country's attention and the world's attention and the Senate's at this moment to it. We will have a hearing on May 6. It will be a comprehensive hearing on North Korea. It will involve all of the issues with respect to North Korea. We welcome that. That is an appropriate role for us.

But it is also appropriate for us to try to get this nominee a time certain. He would like to leave for Iraq tomorrow. So we wish, if we can, to have a sense of the timing on the vote. If we can get an agreement here, maybe I could—how many Senators are planning to speak on the Senator's side of the aisle?

Mr. BROWNBACK. Mr. President, we have three who are lined up to speak. There are Senators McCain and Kyl, who have scheduling issues later in the day. That is what I am trying to get firmed up. I am not trying to delay my colleagues.

Mr. KERRY. I understood that Senator McCain was going to try to speak at 3:30, which is about 35 minutes from now. We are prepared not to have any further speakers on our side.

I will propound a request. I ask unanimous consent that we allow the Senator from Kansas to control the time, but for, say, 10 minutes between now and the hour of 5 o'clock, and that the vote be at 5 o'clock. I ask for an order to that effect.

Mr. BROWNBACK. Mr. President, I have to object at this time. I simply don't know when Senator Kyl can speak, and he desires to speak. Until I can determine that, I cannot agree for others of my colleagues.

The PRESIDING OFFICER. Objection is heard.

Mr. KERRY. I respect that, but I also know how the Senate works; I have 26 years here. I will come back. I have a meeting going on now, but I will be back in about 20 minutes. I hope we can find Senator Kyl between now and

then, pin down the time for him, and get an agreement. I think it is important for the Senate to get its business done. Is that agreeable to the Senator from Kansas?

Mr. BROWNBACK. If we can locate him and if there are not others.

Mr. KERRY. If we cannot contact a member of the Senate who is in the leadership—surely we can find one of the leaders of the Senate in 20 minutes.

Mr. BROWNBACK. I have said what I know.

Mr. KERRY. I will be back at a quarter after, and I hope we can propound an agreement at that time. I thank the Senator for the interruption.

Mr. BROWNBACK. Mr. President, I want to speak about another issue, because this caught a lot of what is involved here. This is a 2004 article called "An Auschwitz in Korea." I had hoped my colleague could stay and hear this, but he has to leave.

This is to the point raised by a number of people that this was kind of quick and the problem with human rights was not known as an issue in North Korea, and that we don't know about it. Chris Hill steps in and he has to make the call that we are not going to pursue human rights, but we are going to go completely after the nuclear issue.

This article is by Jeff Jacoby from the Boston Globe. He puts it so well, because it is to the point we have here. He writes this:

Does "never again" simply mean "never again will Germans kill Jews in Europe between 1939 and 1945?"

Is that what "never again" means? Obviously, that is not the case. We are not going to let this sort of thing happen again on Holocaust Remembrance Day.

That brings us to North Korea. In 2004, this author writes this. This was in the press:

It is not exactly news that the Communist regime of Kim Jong Il has sent millions of North Koreans to early graves. Estimates back to 1998 were that as many as 800,000 people were dying in North Korea each year from starvation and malnutrition caused by Kim's ruthless and irrational policies. World Vision, a Christian relief organization, calculated that 1 million to 2 million North Koreans had been killed by "a full-scale famine" largely of Pyongyang's creation.

They created the famine and people die off who don't support the regime. We have heard about that system before, and some of the purges that took place in the Soviet Union.

The article also says:

Nor is it breaking news that North Korea operates a vicious prison gulag—"not unlike the worst labor camps built by Mao and Stalin in the last century," as NBC News reported more than a year ago. Some 200,000 men, women, and children are held in these slave-labor camps; hundreds of thousands of others have perished in them over the years. Some of the camps are so hellish that 20 percent or more of their prisoners die from torture and abuse each year. The dead can be of any age: North Korea's longstanding policy is to imprison not only those accused of such "crimes" as practicing Christianity [one of

the major crimes] or complaining about North Korean life, but their entire families, including grandparents and grandchildren. The policy there is if one member of the family complains, 3 generations are taken. This is the way they then operate these prison camps.

I want to show a picture of one of the prison camps that looks organized along the lines that Auschwitz was organized. This is taken by Google Earth. They are organized like the Auschwitz ones. The difference here is that they group you by families, so they have taken three generations when one is opposed. They organize this and it is a death camp. Kwon Hyuk was quoted, saying:

I witnessed a whole family being tested on suffocating gas and dying in the gas chamber.

The article says:

The speaker is Kwon Hyuk, a former North Korean intelligence agent and a one-time administrator at Camp 22, the country's largest concentration camp.

We have a picture of camp 22. I will show you what he is talking about here. It is the largest camp. The testimony was heard on a television documentary that aired on BBC, which I mentioned.

Here we have a situation—this writer is writing—of “Gas chambers. Poisoned food. Torture. The murder of whole families. Massive death tolls. How much more do we need to know about North Korea's crimes before we act to stop them? How many more victims will be fed into the gas chambers before we cry out, ‘never again!’”—and we mean it?”

Mr. President, I ask unanimous consent to have printed in the RECORD this article titled “An Auschwitz in Korea.”

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From boston.com, Feb. 8, 2004]

AN AUSCHWITZ IN KOREA

(By Jeff Jacoby)

TWO WORDS—“never again”—sum up the most important lesson that civilized men and women were supposed to have learned from the 20th century. It is forbidden to keep silent, forbidden to look the other way, when tyrants embark on genocide and slaughter—if Auschwitz and Kolyma and the Cambodian killing fields taught us nothing else, they taught us that.

Or so, at any rate, we like to tell ourselves. As Samantha Power discovered upon returning to the United States after two years as a war correspondent in Bosnia, the lesson of “never again” is invoked far more often than it is applied.

“Everywhere I went,” Power recalled in a speech at Swarthmore College in 2002, “I heard ‘never again.’ Steven Spielberg’s ‘Schindler’s List’ had been a smash hit. The Holocaust Museum had opened on the Mall in Washington. College seminars were taught on the ‘lessons’ of the singular crime of the 20th century. But why, I wondered, had nobody applied those lessons to the atrocities of the 1990s: the systematic murder of 200,000 Bosnian civilians in Europe between 1992 and 1995 and the extermination of some 800,000 Rwandan Tutsi in 1994.

“Did ‘never again’ simply mean ‘never again will Germans kill Jews in Europe between 1939 and 1945?’”

Power went on to write “A Problem From Hell,” her Pulitzer Prize-winning account of

America's failure to intervene in the genocides of the 20th century. The book was hugely and deservedly praised. It made clear, as no book had before, how much Americans knew about some of the most horrific massacres of the last century even as they were happening, and how little we did to stop them—or even, in most cases, condemn them.

Which brings us to North Korea.

It is not exactly news that the communist regime of Kim Jong Il has sent millions of North Koreans to early graves. Estimates back in 1998 were that as many as 800,000 people were dying in North Korea each year from starvation and malnutrition caused by Kim's ruthless and irrational policies. World Vision, a Christian relief organization, calculated that 1 million to 2 million North Koreans had been killed by “a full-scale famine” largely of Pyongyang's creation.

Nor is it breaking news that North Korea operates a vicious prison gulag—“not unlike the worst labor camps built by Mao and Stalin in the last century,” as NBC News reported more than a year ago. Some 200,000 men, women, and children are held in these slave-labor camps; hundreds of thousands of others have perished in them over the years. Some of the camps are so hellish that 20 percent or more of their prisoners die from torture and abuse each year. The dead can be of any age: North Korea's longstanding policy is to imprison not only those accused of such “crimes” as practicing Christianity or complaining about North Korean life, but their entire families, including grandparents and grandchildren.

And, of course, it is widely known that Kim is openly pursuing nuclear weapons, has fired missiles capable of reaching Japan, and controls one of the largest military forces on earth.

All of this is hideous enough, and more than sufficient reason for making Kim's ouster—and his prosecution for crimes against humanity—an explicit goal of the United States. But now comes something new.

“I witnessed a whole family being tested on suffocating gas and dying in the gas chamber. The parents, a son, and a daughter.” The speaker is Kwon Hyuk, a former North Korean intelligence agent and a one-time administrator at Camp 22, the country's largest concentration camp. His testimony was heard on a television documentary that aired last week on the BBC. “The parents were vomiting and dying, but till the very last moment they tried to save the kids by doing mouth-to-mouth breathing.”

Like other communist officials, Kwon was not bothered by what he saw. “I felt that they thoroughly deserved such a death. Because all of us were led to believe that all the bad things that were happening to North Korea were their fault. . . . Under the society and the regime I was in at the time, I only felt that they were the enemies. So I felt no sympathy or pity for them at all.”

Soon Ok-lee, who spent seven years in another North Korean camp, described the use of prisoners as guinea pigs for biochemical weapons.

“An officer ordered me to select 50 healthy female prisoners,” she testified. “One of the guards handed me a basket full of soaked cabbage, told me not to eat it, but to give it to the 50 women. I gave them out and heard a scream. . . . They were all screaming and vomiting blood. All who ate the cabbage leaves started violently vomiting blood and screaming with pain. It was hell. In less than 20 minutes, they were dead.”

Gas chambers. Poisoned food. Torture. The murder of whole families. Massive death tolls. How much more do we need to know about North Korea's crimes before we act to stop them? How many more victims will be fed into the gas chambers before we cry out “never again!”—and mean it?

Mr. BROWNBACK. Mr. President, this is Camp 22. You can see it outlined, the size and scale. We have some other camp pictures that show this. I want to make sure everybody knows that on Holocaust Remembrance Day we have pictures of this going on. This is not some secret information. This is on Google Earth. Look it up yourself.

This picture is of outside the camp, the westbound coal train from Camp 22 where they do coal mining, slave labor where people go in, but nobody comes out. They are worked to death, starved to death.

There are a couple books on this point—“The Aquariums of Pyongyang” was written by a survivor and “Eyes of Tailless Animals” was written by Soon Ok Lee. Those are a couple books people can look at.

This is another picture from Google Earth. These are people in the concentration camp, this shows outside the fence. About 200,000 people we believe are in concentration camps in North Korea. Here is another picture, one of a concentration camp. I urge my colleagues to get a briefing on this situation so they can look at the high resolution information we have access to, not just Google Earth. Google Earth is useful for this setting.

Here is another concentration camp. Here is the execution site in this particular camp. These have all been run by refugees who have been able to make their way out and now give the information of here is what took place in various places. Here are the coal mine entrances marked No. 1; prisoner housing, No. 2; the execution site, No. 3; No. 4 is a rifle range. I don't know if they use individuals as target practice.

This picture shows the location of various prison camps of the gulag that is in North Korea that we chose to ignore in our six-party talks. These are the selected North Korean prison camp locations, where they are around the country. We know what is taking place in that country. I raise all of these points to point out that we cannot continue to allow this to take place.

I want to raise one final issue. My colleagues have been very generous to allow me to put this forward. I have to do this on this day, Holocaust Remembrance Day, when we are about to confirm an ambassador who looked past all of this while he was there.

We will soon consider the supplemental appropriations bill. That will be coming up shortly before this body. Last year, this body inserted into the supplemental appropriations bill a waiver to waive the Glenn amendment sanctions against North Korea. The Glenn amendment sanctions do not provide for a Presidential waiver. The Congress has to affirmatively act to waive Glenn amendment sanctions. The Congress did, and that allowed us to send—as the Soviet Union used to send to the North Koreans only we are sending it now. I ask my colleagues not to put in this year's supplemental Glenn amendment waivers and not to put in this year's supplemental funding for North Korea beyond humanitarian

assistance. Yes to humanitarian assistance because people are starving to death, but no to fuel, oil aid, no to other aid because they tested missiles in defiance of us and the United Nations. They are being investigated now for sending nuclear material to Iran. They have captured two American journalists and still have them there. They have unaccounted for other people they have captured. They have this incredible human rights gulag system that is tragic and taking place right now. They are forcing people to walk into China, many of whom are women who walk into China to get food and are taken for human trafficking and as concubines.

Let's not continue a regime that is a disaster, that is a horrific situation, and we are allowing this to happen.

Let's not do that in the supplemental. Let's not approve Chris Hill moving on after two big problems on human rights.

I urge my colleagues to vote against this nominee and to not give further funds and aid and waiving sanctions on North Korea.

Mr. President, I yield the floor.

#### EXHIBIT 1

[From the Jerusalem Post, Apr. 20, 2009]  
THE TEENAGER WHO EXPOSED AUSCHWITZ  
(By Rafael Medoff)

This month marks the 65th anniversary of a daring escape from Auschwitz, by a teenager who then revealed the truth about the death camp—only to be ignored by the Allied leadership.

In March 1944, the Germans occupied Hungary and began preparing to deport that country's Jews—numbering approximately 750,000—to Auschwitz. A 19-year-old prisoner named Rudolf Vrba, together with fellow-inmate Alfred Wetzler, decided to do something that almost nobody had ever done before: escape from Auschwitz. They were determined to alert the world about the doom that Hungarian Jews would soon face.

On April 7, Vrba and Wetzler slipped away from their slave labor battalion and hid in a hollowed-out woodpile near the edge of the camp. On the advice of Soviet prisoners of war, the fugitives sprinkled the area with tobacco and gasoline, which confused the German dogs that were used to search for them.

On their second day in the woodpile, Vrba and Wetzler heard Allied warplanes overhead. "They came closer and closer—then bombs began to crunch not far away," Vrba later recalled in his searing memoir *I Cannot Forgive*. "Our pulses quickened. Were they going to bomb the camp? Was the secret out? . . . Was this the end of Auschwitz?"

THE ALLIED PLANES were actually bombing German oil factories in and around the Auschwitz complex. The idea of bombing the death camp had not yet been proposed to the Allied leadership, and details such as the location of the gas chambers and crematoria were not yet known to the Allied war command. But that was about to change.

On April 10, in the dead of night, Vrba and Wetzler emerged from the woodpile and began an 11-day, 80-mile trek to Slovakia. There they met with Jewish leaders and dictated a 30-page report that came to be known as the "Auschwitz Protocols." It included details of the mass-murder process, maps pinpointing the gas chambers and crematoria and warnings of the impending slaughter of Hungary's Jews.

"One million Hungarian [Jews] are going to die," Vrba told them. "Auschwitz is ready for them. But if you tell them now, they will rebel. They will never go to the ovens."

A COPY of the report was given to Rudolf Kastner, a Budapest Jewish leader. Instead of publicizing the information, Kastner negotiated a deal that involved bribing the Germans to permit a train with 1,684 of his relatives, friends and Hungarian Jewish leaders to leave the country. Kastner's action became the centerpiece of a controversial trial in Israel after the war.

Another copy of Vrba's Auschwitz Protocols was given to Rabbi Michael Dov Weissmandl, a rescue activist in Bratislava, who then wrote the first known appeal for the use of Allied air power to disrupt the mass murder. Weissmandl's plea to the Allies to bomb the railroad lines between Hungary and Auschwitz reached the Roosevelt administration in June.

Assistant secretary of war John McCloy responded that the request was "impracticable" because it would require "diversion of considerable air support essential to the success of our forces now engaged in decisive operations." He also claimed the War Department's position was based on "a study" of the issue. But no evidence of such a study has ever been found by researchers. In reality, McCloy's position was based on the War Department's standing policy that no military resources should be allocated for "rescuing victims of enemy oppression."

VRBA'S REPORT convinced the Jewish Agency leadership in Palestine to change its position on bombing. Agency leaders initially opposed bombing Auschwitz because they believed it was a labor camp, not a death camp. But after receiving the Auschwitz Protocols in June, agency officials lobbied British, American and Soviet officials to bomb the camp or the railways leading to it. Their requests were rebuffed.

Most important, a condensed version of the Auschwitz Protocols reached the U.S. government's War Refugee Board in June. It helped galvanize the board to mobilize international pressure on Hungary to halt the deportations to Auschwitz. Although that effort came too late for the more than 400,000 Hungarian Jews who had been shipped to their doom, it did spare the 200,000-plus who were still alive in Budapest.

The full version of the Vrba report was actually held up in Switzerland for three months by U.S. diplomats who regarded it as low priority. And when the report finally reached Washington in October, the Office of War Information opposed distributing it; OWI director Elmer Davis claimed the report was actually part of a Nazi conspiracy to "create contempt for the [Jewish] inmates" by showing that the Jews were not resisting their killers.

Fortunately, Davis and his cockamamie theories were too late to blunt the impact of the Auschwitz Protocols. The Hungarian deportations had been stopped, and Rudolf Vrba and Alfred Wetzler had played a significant role in bringing that about.

#### EXHIBIT 2

PREFERENCE FOR HILL OVER ZINNI REMAINS A MYSTERY

(By Dana Bash)

WASHINGTON (CNN)—Chris Hill is slowly overcoming GOP opposition that has delayed his nomination as U.S. ambassador to Iraq, but it's still unclear why the Obama administration revoked the offer they gave to someone else first—General Anthony Zinni.

Zinni told CNN Monday he hasn't been given any explanation about why the offer he got in January for the post, which he accepted, was abruptly taken back.

Zinni confirmed in an e-mail that he was asked to take the job by Secretary of State Hillary Clinton, and even congratulated by Vice President Joe Biden. But then, the offer was revoked and extended to Hill—a development Zinni says he heard on the news.

Zinni is a retired four-star Marine general and former head of Central Command. Like

President Barack Obama, he was an early critic of the Iraq war.

Sen. Lindsey Graham, R-South Carolina, told CNN he would have wholeheartedly supported Zinni for position because of his knowledge of the region. Graham, along with Sens. John McCain, R-Arizona, and Sam Brownback, R-Kansas, have led the opposition to Hill, citing his "controversial legacy" as point man in the six-nation talks aimed at dismantling North Korea's nuclear program and his lack of experience in the Middle East.

Graham, however, voted Monday to move Hill's nomination forward, while McCain did not vote. Brownback voted against Hill.

A State Department spokesman had no comment on Zinni.

A senior Democratic congressional source, who would not be quoted speaking about private deliberations, called the decision to nominate Hill over Zinni one of the "great mysteries" of the early days of the Obama administration.

#### EXHIBIT 3

U.S. SENATE,  
Washington, DC, March 25, 2009.

Mr. JAY P. LEFKOWITZ, P.C.,  
Kirkland & Ellis LLP, Citigroup Center, New York, NY.

DEAR JAY: Christopher Hill testified today before the Senate Foreign Relations Committee. In response to a question by Senator Lugar, he failed to specifically address whether he invited you to participate in the Six Party Talks to address North Korean human rights. As you recall, in his testimony before the Senate Armed Service Committee on July 31, 2008, he promised to invite you to participate in all future negotiation sessions, without qualifying the nature of those sessions.

Based on my knowledge of the situation, I believe he violated his commitment. Can you please respond to me as to whether or not Christopher Hill or anyone acting on his behalf invited you to the Six Party Talks subsequent to July 31, 2008?

I look forward to your swift reply, and appreciate your cooperation in this matter.

Sincerely,

SAM BROWNBACK,  
United States Senator.

DEAR SENATOR BROWNBACK: At no point during my tenure as Special Envoy for Human Rights in North Korea, either before or after July 31, 2008, did Chris Hill or anyone acting on his behalf invite me to participate in any Six Party Talks.

JAY.

#### EXHIBIT 4

Senator BROWNBACK. I want to, because my time will be narrow here: will you state that the Special Envoy will be invited to all future negotiating sessions with North Korea?

Ambassador HILL. I would be happy to invite him to all future negotiating sessions with North Korea.

Senator BROWNBACK. Thank you.

Mr. Ambassador, you noted this earlier, that there are political gulags and concentration camps in North Korea. Will you state that any prospect of normalization with North Korea is contingent upon the regime shutting down the political gulags and concentration camps?

Ambassador HILL. I can say to you, Senator, that we will definitely raise these issues as an element of the normalization process. I'm not in a position at my level to state to you today what the specific conditions of normalization were, but they will be raised as part of that and clearly, we will be looking for more satisfactory answers on this.

Senator BROWNBACK. Mr. Ambassador, the Illinois delegation in total in a letter dated

in 2005—noted the abduction of Reverend Kim Dong Shik, who's a U.S. citizen, and his wife is an Illinois resident, children U.S. citizens. I'm going to enter this letter in the record. It's from the Illinois delegation. They have said they would not support any normalization with North Korea until his abduction is dealt with.

[The information referred to follows:]

#### EXHIBIT 5

HOUSE OF REPRESENTATIVES,  
Washington, DC, February 5, 2009.

Mr. CHRISTOPHER R. HILL,  
Assistant Secretary, Bureau of East Asian and  
Pacific Affairs, Washington DC.

DEAR MR. HILL: I write in light of your nomination to serve in the critical position of U.S. ambassador to Iraq.

While I do not question your qualifications as a diplomat, I must be frank in telling you that I was often disappointed in your approach to diplomacy with North Korea—specifically your marginalization and often times seemingly utter neglect of human rights. In a Washington Post piece, Michael Gerson described your shaping of America's North Korea policy in this way, "Hill has been a tireless advocate of preemptive diplomatic concessions and the exclusion of human rights issues from reports and negotiations." It is difficult to know how much the policy you pursued simply reflected the president and the secretary's aims or whether you were in fact the chief architect and advocate of this approach. Regardless, while Iraq and North Korea are obviously two very different countries, it gives me pause as I consider the human rights challenges confronting Iraq's ethno-religious minorities who are increasingly under siege.

More than 500,000 Christians, or roughly 50 percent, have fled Iraq since 2003. Even though Christians make up only 3 percent of the country's population, according to the UN High Commission for Refugees, they comprise nearly half of all refugees leaving Iraq. As Iraq has continued to stabilize, these minority populations, including the ancient Christian community—some of whom still speak Aramaic, the language of Jesus—is dwindling and increasingly vulnerable to marginalization and targeted attacks, of the sort we witnessed in Mosul this past fall.

I have already requested that Secretary Clinton facilitate the development of a comprehensive policy to address the plight of these struggling minority communities, and, consistent with the recommendations of the U.S. Commission on International Religious Freedom, that she appoint a special envoy for human rights in Iraq to our Embassy in Baghdad, reporting directly to her.

Similarly, should you be confirmed, I urge that these communities, which are foundational to a modern pluralistic Iraq, not be neglected on your watch. Before departing for Baghdad, it is critical that you meet with a coalition of NGOs, consisting in part of members of the Iraqi diaspora, so that they might brief you on the unique challenges confronting these ancient faith communities and make additional concrete policy recommendations for their protection.

Best wishes.

Sincerely,

FRANK R. WOLF,  
Member of Congress.

#### EXHIBIT 6

HOUSE OF REPRESENTATIVES, COM-  
MITTEE ON INTERNATIONAL RELA-  
TIONS,

Washington, DC, January 28, 2005.

His Excellency PAK GIL YON,  
Ambassador, Permanent Representative of the  
Democratic People's Republic of Korea to  
the United Nations, New York, NY.

DEAR AMBASSADOR PAK: This letter is to inform you and your government of the distress with which the undersigned Members of the Illinois Congressional Delegation received the finding from the Seoul Central District Prosecutor's Office on December 14, 2004 that South Korean citizen and U.S. permanent resident Reverend Kim Dong-Shik had been abducted by agents of your government in northeast China in January 2000 and taken forcibly into North Korea. Your government, regrettably, has, by its own admission, been involved in the abductions of a number of Japanese citizens, as well as an even greater number of South Korean citizens.

Reverend Kim Dong-Shik, as you may be aware, is the spouse of Mrs. Young Hwa Kim of Chicago, Illinois, and is the parent of U.S. citizens, one of whom is currently residing in Skokie, Illinois. Citizens from a Korean-American church in the Chicago area have also raised this matter as an issue of grave concern and have requested Congressional assistance in ascertaining the facts behind the disappearance and current whereabouts of Reverend Kim. In pursuit of these issues, Mrs. Kim and a delegation from Illinois will be visiting Capitol Hill in the near future.

The successful resolution of this case, therefore, is of critical importance to us, both because of the constituent interests involved as well as because it is a case involving the most fundamental of human rights. Reverend Kim, in his selfless efforts to assist refugees escaping in an underground network to third countries, brings to mind two great heroes held in high esteem in the United States. The first is Ms. Harriet Tubman, who established an underground railroad allowing for the escape from slavery of those held in bondage before President Lincoln issued the Emancipation Proclamation; the second is the Swedish diplomat Raoul Wallenberg who, during the dark days of the world conflict against fascism in the Second World War, rescued Jewish refugees trapped in Hungary. We view Reverend Kim Dong-Shik as also being a hero who assisted with the escape of the powerless and forgotten.

We, therefore, wish to inform the Government of the Democratic People's Republic of Korea (DPRK) that we will NOT support the removal of your government from the State Department list of State Sponsors of Terrorism until such time, among other reasons, as a full accounting is provided to the Kim family regarding the fate of the Reverend Kim Dong-Shik following his abduction into North Korea five years ago.

Sincerely,

J. Dennis Hastert, Speaker of the House of Representatives; Henry J. Hyde, Chairman; Richard J. Durbin, U.S. Senator; Barack Obama, U.S. Senator; Lane Evans, Member of Congress; Jerry F. Costello, Member of Congress; Luis V. Gutierrez, Member of Congress; Donald A. Manzullo, Member of Congress; Bobby L. Rush, Member of Congress; Jesse L. Jackson, Member of Congress. Ray LaHood, Member of Congress; Jerry Weller, Member of Congress; Danny Davis, Member of Congress; John Shimkus, Member of Congress; Judy Biggert, Member of Congress; Jan D. Schakowsky, Member of Congress; Timothy Johnson, Member of Congress;

Rahm Emanuel, Member of Congress; Melissa L. Bean, Member of Congress; Daniel Lipinski, Member of Congress.

#### EXHIBIT 7

STUDY BACKS BOSNIAN SERB'S CLAIM OF  
IMMUNITY

(By Marlice Simons)

PARIS—Every time Radovan Karadzic, the onetime Bosnian Serb leader, appears in court on war crimes charges, he has hammered on one recurring claim: a senior American official pledged that he would never be standing there.

The official, Richard C. Holbrooke, now a special envoy on Afghanistan and Pakistan for the Obama administration, has repeatedly denied promising Mr. Karadzic immunity from prosecution in exchange for abandoning power after the Bosnian war.

But the rumor persists, and different versions have recently emerged that line up with Mr. Karadzic's assertion, including a new historical study of the Yugoslav wars published by Purdue University in Indiana.

Charles W. Ingrao, the study's co-editor, said that three senior State Department officials, one of them retired, and several other people with knowledge of Mr. Holbrooke's activities told him that Mr. Holbrooke assured Mr. Karadzic in July 1996 that he would not be pursued by the international war crimes tribunal in The Hague if he left politics.

Mr. Karadzic had already been charged by the tribunal with genocide and other crimes against civilians.

Two of the sources cited anonymously in the new study, a former senior State Department official who spent almost a decade in the Balkans and another American who was involved with international peacekeeping there in the 1990s, provided additional details in interviews with The New York Times, speaking on condition that they not be further identified.

The former State Department official said he was told of the offer by people who were close to Mr. Holbrooke's team at the time. The other source said that Mr. Holbrooke personally and emphatically told him about the deal on two occasions.

While the two men agreed, as one of them put it, that "Holbrooke did the right thing and got the job done," the recurring story of the deal has dogged Mr. Holbrooke.

Last summer, after more than a decade on the run, Mr. Karadzic was found living disguised in Belgrade, Serbia's capital. He was arrested and sent to the International Criminal Tribunal for the former Yugoslavia in The Hague for his trial, which is expected to start this year.

Asked for comment for this article, Mr. Holbrooke repeated his denial in a written statement. "No one in the U.S. government ever promised anything, nor made a deal of any sort with Karadzic," he said, noting that Mr. Karadzic stepped down in the summer of 1996 under intense American pressure.

"The agreement almost came to grief when Holbrooke vigorously refused Karadzic's demand, and Hill's appeal, that he affix his signature to it," the study says, citing unidentified State Department sources.

The study, the product of eight years of research by historians, jurists and social scientists from all sides of the conflict, was an effort to reconcile disparate views of the wars that tore the former Yugoslavia apart in the 1990s, Mr. Ingrao said.

Neither Mr. Hill nor Mr. Goldberg responded to requests for interviews for this article.

In an interview, the former State Department official, who had access to confidential reports and to members of the Holbrooke team, said that during that evening in 1996,

Mr. Milosevic and other Serbian officials were on the phone with Mr. Karadzic, who was in Pale, Bosnia.

The former official said that Mr. Karadzic wanted written assurances that he would not be pursued for war crimes and refused to sign without them.

"Holbrooke told the Serbs, 'You can give him my word he won't be pursued,' but Holbrooke refused to sign anything," the official said. Mr. Holbrooke could make that promise because he knew that American and other Western militaries in Bosnia were not then making arrests, the official said.

There were some 60,000 American and NATO troops in Bosnia, but the soldiers had no orders to arrest indicted Bosnians, for fear of inciting local rebellion.

In the brief statement Mr. Karadzic eventually signed, he agreed to withdraw "from all political activities" and to step down from office. It carried the signatures of Mr. Milosevic and four other Serbian leaders acting as witnesses and guarantors. It did not include any Americans' names and made no mention of immunity.

The American who was involved in peace-keeping insisted in an interview that Mr. Holbrooke himself told him that he had made a deal with Mr. Karadzic to get him to leave politics. He recalled meeting Mr. Holbrooke in Sarajevo, Bosnia, on the eve of Bosnian elections in November 2000, just after Mr. Milosevic had finally been ousted from power in Serbia.

Mr. Holbrooke was worried about the outcome of the Bosnian vote because he knew that Mr. Karadzic was still secretly running his nationalist political party and picking candidates, including mayors and police chiefs who had run prison camps and organized massacres.

"Holbrooke was angry; he was ranting," the American recalled. He quoted Mr. Holbrooke as saying: "That son of a bitch Karadzic. I made a deal with him that if he'd pull out of politics, we wouldn't go after him. He's broken that deal and now we're going to get him."

Mr. Karadzic's party won those elections in the Bosnian Serb republic. Shortly afterward, he disappeared from public view.

"In subsequent meetings, as a private citizen, I repeatedly urged officials in both the Clinton and Bush administrations to capture Karadzic," Mr. Holbrooke said. "I am glad he has finally been brought to justice, even though he uses his public platform to disseminate these fabrications."

Mr. Holbrooke declined to accept further questions and did not address the specifics of the new accounts.

Mr. Karadzic, by insisting that he is exempt from legal proceedings, has now forced the war crimes tribunal to deal with his allegations, illustrating the difficulty of both administering international justice and conducting diplomacy.

In December, tribunal judges ruled that even if a deal had been made, it would have no bearing on a trial. They said no immunity agreement would be valid before an international tribunal in a case of genocide, war crimes or crimes against humanity. Mr. Karadzic is charged with all three.

But Mr. Karadzic has appealed and filed motions demanding that prosecutors disclose every scrap of confidential evidence about negotiations with Mr. Holbrooke. He has asked his lawyers to seek meetings with American diplomats.

His demands have led the court to write to the United States government for clarification.

Peter Robinson, a lawyer for Mr. Karadzic, said that he had received a promise from Washington that he could interview Philip S. Goldberg, who was on the Holbrooke team

meeting in Belgrade the night the resignation was negotiated.

"Goldberg took the notes at that meeting," Mr. Robinson said. "The U.S. government has agreed to search for the notes and provide them if they find them."

A State Department spokesman said that the government was cooperating with the tribunal, but would provide no further details.

Mr. Holbrooke, who brokered the peace agreement that ended the Bosnian war in 1995, returned to Belgrade in 1996 to press Mr. Karadzic to resign as president of the Bosnian Serb republic. Mr. Holbrooke's memoirs recount a night of fierce negotiation on July 18, 1996, but make no mention of any pledge of immunity.

The Purdue University study, "Confronting the Yugoslav Controversies: A Scholars' Initiative," says that Mr. Holbrooke "instructed his principal assistant, Christopher Hill, to draft the memorandum to be signed by Karadzic," committing him to give up power.

Mr. Ingrao said Mr. Holbrooke used Slobodan Milosevic, then the Serbian leader, and other Serbian officials as intermediaries to convey the promise of immunity and to reach the deal with Mr. Karadzic.

#### EXHIBIT 8

[From washingtonpost.com, Feb. 4, 2004]

#### AUSCHWITZ UNDER OUR NOSES

(By Anne Applebaum)

Nearly 60 years ago last week, Auschwitz was liberated. On Jan. 27, 1945, four Russian soldiers rode into the camp. They seemed "wonderfully concrete and real," remembered Primo Levi, one of the prisoners, "perched on their enormous horses, between the gray of the snow and the gray of the sky." But they did not smile, nor did they greet the starving men and women. Levi thought he knew why: They felt "the shame that a just man experiences at another man's crime, the feeling of guilt that such a crime should exist."

Nowadays, it seems impossible to understand why so few people, at the time of the Auschwitz liberation, even knew that the camp existed. It seems even harder to explain why those who did know did nothing. In recent years a plethora of respectable institutions—the Vatican, the U.S. government, the international Jewish community, the Allied commanders—have all been accused of "allowing" the Holocaust to occur, through ignorance or ill will or fear, or simply because there were other priorities, such as fighting the war.

We shake our heads self-righteously, certain that if we'd been there, liberation would have come earlier—all the while failing to see that the present is no different. Quite a lot has changed in 60 years, but the ways in which information about crimes against humanity can simultaneously be "known" and not known hasn't changed at all. Nor have other interests and other priorities ceased to distract people from the feelings of shame and guilt they would certainly feel, if only they focused on them.

Look, for example, at the international reaction to a documentary, aired last Sunday night on the BBC. It described atrocities committed in the concentration camps of contemporary North Korea, where, it was alleged, chemical weapons are tested on prisoners. Central to the film was the testimony of Kwon Hyuk, a former administrator at a North Korean camp. "I witnessed a whole family being tested on suffocating gas and dying in the gas chamber," he said. "The parents, son and a daughter. The parents were vomiting and dying, but till the very last moment they tried to save the kids by

doing mouth-to-mouth breathing." The documentary also included testimony from a former prisoner, who says she saw 50 women die after being deliberately fed poison. And it included documents smuggled out of the country that seemed to sentence a prisoner to a camp "for the purpose of human experimentation."

But the documentary was only a piece of journalism. Do we really know that it is true? We don't. It was aired on the BBC, after all, an organization whose journalistic standards have recently been questioned. It was based on witness testimony, which is notoriously unreliable. All kinds of people might have had an interest in making the film more sensational, including journalists (good for their careers) or North Korean defectors (good for their cause).

The veracity of the information has been further undermined by the absence of official confirmation. The South Korean government, which believes that appeasement of the North will lead to reunification, has already voiced skepticism about the claims: "We will need to investigate," a spokesman said. The U.S. government has other business on the Korean Peninsula too. On Monday Secretary of State Colin L. Powell told a group of Post journalists that he feels optimistic about the prospect of a new round of nuclear talks between North Korea and its neighbors. He didn't mention the gas chambers, even whether he's heard about them.

In the days since the documentary aired, few other news organizations have picked up the story either. There are other priorities: the president's budget, ricin in the Senate office building, David Kay's testimony, a murder of a high school student, Super Tuesday, Janet Jackson. With the possible exception of the last, these are all genuinely important subjects. They are issues people care deeply about. North Korea is far away and, quite frankly, it doesn't seem there's a lot we can do about it.

Later—in 10 years, or in 60—it will surely turn out that quite a lot was known in 2004 about the camps of North Korea. It will turn out that information collected by various human rights groups, South Korean churches, oddball journalists and spies added up to a damning and largely accurate picture of an evil regime. It will also turn out that there were things that could have been done, approaches the South Korean government might have made, diplomatic channels the U.S. government might have opened, pressure the Chinese might have applied.

Historians in Asia, Europe and here will finger various institutions, just as we do now, and demand they justify their past actions. And no one will be able to understand how it was possible that we knew of the existence of the gas chambers but failed to act.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from South Carolina.

Mr. DEMINT. Mr. President, I thank my colleague from Kansas for making such a powerful, persuasive case for human rights and freedom in North Korea and around the world. I wish to change subjects slightly for a few minutes and talk about some experiences over the last couple of weeks.

#### STOP THE SPENDING

Last Wednesday, tens of thousands of Americans celebrated tax day by speaking out against the direction of this Federal Government. I attended three tea parties in South Carolina. What struck me the most was how non-partisan these events were. These were families, couples with children, not



necessarily Republicans or Democrats, but both were there. They did not care about parties or candidates. They cared about their kids and the debt we are saddling them with, with almost everything we do in Washington. They cited with their signs and their voices that every American today has a \$35,000 share in our national debt. That is just today, not counting what we have added. And it does not count the unfunded costs of Social Security and Medicare that we borrowed from our future.

The way we are spending up here, the per capita debt in our country will soon exceed the per capita income. We are not just bankrupting our country, we are bankrupting generations of Americans not even born yet.

This is a moral issue. Every dollar spent represents another freedom seized, another constitutional principle ignored, another opportunity squandered. The American people are tired of politicians—Republicans and Democrats—borrowing and spending money on programs we do not need, programs they know will not work.

The message of the tea parties is clear: Stop growing Government and spending all our money, all our kids' money, all our grandkids' money.

But will we get the message? We keep hearing that we are in the middle of an economic crisis, but we are in the middle of a political crisis. We hear a lot about corporate greed, but that pales in comparison to the political greed of elected officials who continue to make promises that we cannot pay for and borrowing the money to do it.

A poll conducted last week suggests that while a majority of American people have a favorable view of these tea parties, only 13 percent of the political class does. It is the same pattern over and over again on the stimulus, on earmarks, on socialized and rationed health care, on the proposed tax on electricity and energy. Americans disagree with Washington on these socialistic experiments, and our leaders act as if it is the American people who are the ones who are out of touch.

Indeed, no sooner had the protesters gone home than they learned that their preference for freedom, limited Government, and local control marked them as potential terrorist threats, according to a report by the Department of Homeland Security.

Americans have been misled and lied to by elected officials who promise the world while stealing our future. And they have had enough. Tea parties are only the beginning. Americans have come to understand that many of our problems are caused by more Government and that they can only be solved by more freedom.

Think of the things that are categorized as crises today—a crisis in education, a crisis in health care, a crisis in energy, our transportation infrastructure, banking and finance, the auto industry. But who has been running these services for the last several

decades? Who has been running our education system? It has not been the free market. It has not been the free people. It has been Government, with the price we are paying expanding faster than any other service. We spend more per capita than any other country in the world, yet consistently we lose ground to other industrialized nations. We do not need more Federal control, we need more freedom in education, more choices, more competition, more technology, the kinds of things that Government and union control cannot provide in our education. It may be a crisis, but it is not one caused by freedom, it is one caused by politicians.

What about health care? We talk about the number of uninsured Americans, but have we given freedom a chance? The rules and laws we pass here make it virtually impossible for individuals to own and keep their own insurance policy. There are ways we can solve this problem, there are ways we can get every American insured without spending one additional dime of tax dollars. But instead, the movement in Washington is toward Government health care, socialized medicine, and we have made a downpayment in our recent budget in that direction.

We have an energy crisis, but who has held back this country from exploring and developing our own energy reserves? It has not been the free markets or the free people; it has been this Government. And under the name of environmental protection, we have actually made the environment worse by blocking nuclear energy, blocking natural gas development, and not moving where other countries have toward cleaner energy sources that are within our reach.

What about our transportation infrastructure? Who has been running that? Increasingly, the Federal Government takes more and more gas tax dollars and instead of giving them back to States for their priorities, we earmark it in every different direction. The last Secretary of Transportation basically said we cannot have a transportation program because it is all politically directed. That is political greed. That is not a fault of freedom.

What about banking and finance? The Government was going to help our financial system, so they made loans, not just to those too big to fail. If you talk to local bankers, the Federal Government essentially forced these banks to take this money, and now they will not let them give it back. And they are now talking about converting these loans into common stock so the Federal Government owns the banks. That is not freedom. That is not the America we know. That is nationalization, that is socialization of a country.

Freedom has not failed in the financial markets. It has been this Government, our oversight, and the Government intermediaries of Fannie Mae and Freddie Mac that essentially packaged and brokered all of these so-called toxic assets.

Freedom has not failed. Has freedom failed in our auto industry? Of course not. The Government and the labor unions have been running the American auto companies for years. Management has very little discretion. If you look at other auto companies that are free of Government control, free of the barnacles of unionization, we see these companies succeeding in the United States. You cannot bail them out with more money; you have to bail them out with freedom.

Over the work period, I had a chance to visit Europe and the Middle East. I had a chance to welcome the new Prime Minister, Benjamin Netanyahu, back to office. It was interesting to hear him talk. He is concerned about the direction of our country moving toward a more socialist direction, while he realized the opportunities in Israel were to move away from socialization to more free markets, more land reform that allowed more property ownership, exactly the opposite of where we see us going. He realized that in order to have a prosperous Israel and a strong military and a bright future, he needed to move his country more toward freedom.

I heard the same thing in Brussels from a lot of our European allies, startled at the level of spending and debt the United States has taken on, concerned that we have the ability to pay it back, concerned that our commitment to the military is falling off, concerned that America will not be there as promised as part of a NATO partner sometime in the future.

But it was concern about our abandonment of free market principles, free trade, the things that can make the world safe and prosperous, that the United States seemed to be pulling back from those principles.

I just wanted to share a few thoughts today because as we talk about more Government and more spending in almost every area of our lives, and we continue to blame our problems on freedom and capitalism—the people who work hard and take personal responsibility—it seems we have it backwards from what actually made America great and exceptional and unique and prosperous and good.

I keep hearing our economic problems were caused by the free market. But what free market? What have I talked about that has had a chance to work as a free market? If you look at those areas where the Government has not yet reached its tentacles in to regulate to the point of paralysis, look at our telecommunication system, which we are talking about in committee as to how we can regulate it. The incredible explosion of innovation and choice and competition—the cell phones, the BlackBerrys, the fantastic ways we have to communicate all over the world—could never have been created by a government system. It was created by free people and free markets, and that can work in every area, as it has before in America.

Let's not blame this financial crisis and the housing problems on freedom and free markets. The Government itself, through its public-private partnership of Fannie Mae and Freddie Mac, was the broker of these deals—the middle man of toxic assets. No private company would take the kind of risks that were taken unless they could first get cheap money, which the Federal Reserve provided, and then have a basic government guarantee for these loans that they were making and packaging. The Government is in the middle of this crisis. It is political greed. It is not the fault of freedom.

This Congress and this Federal Government are really at a crossroads, and the American people are standing there with these tea parties telling us: Don't give up on freedom. Government does not work. Socialism does not work. There is no example in history where it has. Yet we contemplate every day another step closer to more Government control. I am thankful the American people are standing up. They are alarmed at what we are doing. It has nothing to do with politics. It has nothing to do with a political party. It has everything to do with what makes this country great and good. But we have abandoned it in Congress, and this crossroads at which we stand is the crossroads between freedom and socialism.

Some folks say you shouldn't use that term, "socialism." But, folks, when the Government basically controls or owns most aspects of economic production, which is where we are headed today, we are talking about socialism, and socialism that is to the left of where many European countries are. We can stop it, but we have to stop it starting today, and that is why these tea parties are so important. I hope they will shake up a few people here in both parties. I hope they will send a message that this Government is for the people, and of the people, and by the people. If we don't get it right, if we don't listen to them, these people can take it back, and I am thankful they are willing to stand up and express their voices. And I am very sorry anyone in this administration or this Government would categorize them as a threat in any way just because they are willing to speak out against what they know is wrong in Washington.

I encourage my colleagues, as we think about one spending program after another, one Government takeover after another, that we not give up on freedom and that we listen to the American people.

With that, Mr. President, I yield back.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I came to speak in support of the nomination of Christopher Hill to be the Ambassador to Iraq, but I have heard my distinguished colleague from South Carolina speak, and I feel compelled to say a few things in response.

It is easy to rail against the Government when you are part of it. It is easy to rail against the Government. But when we have a national disaster, whether it be September 11 or hurricanes or floods or tornadoes, it is only the National Government that can come and help our fellow citizens. It is only the National Government that can come at the end of the day and create a common defense. It is only the National Government that very often can stop us from economic collapse.

Now, I am for the free market as much as anyone else, but there is a difference between a free market and a free-for-all market. What we saw over the last 8 years is regulators, who were supposed to act as the cops on the beat, ultimately allowing the private sector, particularly those who are regulated industries, to regulate themselves. The consequence of that is we have excess that now each and every American is paying for. Yet there are those who want to rail against that.

There are those who also rail about spending. I am with them. But the time to have railed against that was in the last years that saw the debt and the deficit dramatically grow. If President Obama did absolutely nothing—nothing—he would have inherited a \$1.3 trillion deficit. So I think we need some intellectual honesty in this Chamber as we have our debates.

Mr. President, I want to now talk about the President's nomination of Christopher Hill to serve as our next Ambassador to Iraq. I support that. It should be clear to all of us that the position of the Ambassador to Iraq is one of the most critical ambassadorial selections that President Obama will make. We are at the beginning of a period of transition in our relationship with Iraq. We are now working under a Status of Forces Agreement. Our troops are winding down their combat role and many will withdraw by June 30 of this year.

In his speech to the Marine Corps at Camp Lejeune at the end of February, President Obama made his policy clear: by the 31st day of August of the year 2010, in accordance with the Status of Forces Agreement, the combat mission of U.S. troops in Iraq will come to an end. But even though the end of our combat mission in Iraq may now be in sight, we cannot forget that today we still have more than 140,000 U.S. troops there, and we have over 1,000 U.S. civilian employees from the Department of State, from USAID, and many other departments and agencies who have been assigned to work at the Embassy in Baghdad under the authority of our Chief of Mission.

We all look forward to the day when our combat mission in Iraq is ended, our troops are returned home, and the Iraqis enjoy relative peace and security under the full protection of their own security forces. But that day has not yet come. We are at the beginning, not the end, of the transition in our role in Iraq. It is a time of uncertainty and

risk, and that is why it is so urgent that the Ambassador's position be filled without delay.

We hear the military counterparts constantly saying—General Odierno—where is my civilian counterpart? Where is the Ambassador?

Now, I certainly respect the decision of any colleague to closely scrutinize any of the President's appointments. This is a keystone position at a critical juncture in our relationship with Iraq, and we need to ensure the person leading our Embassy in Baghdad is and has in full measure the background, skills, and pragmatism needed. I have scrutinized Ambassador Hill's qualifications and his testimony, both before the Foreign Relations Committee, of which I am a member, and in responding to questions for the record, and I am convinced that in nominating Ambassador Hill, President Obama has chosen exactly the right person to lead our Embassy in Baghdad at this point in time. I urge my colleagues to confirm his nomination without delay.

During his 32-year career in the Foreign Service, Ambassador Hill has developed a well-earned reputation as a diplomatic trouble-shooter by taking on a series of difficult assignments, including serving as an ambassador in the Balkans, Special Envoy to Kosovo, Ambassador to Poland and South Korea, and most recently as Special Envoy to the six-party talks involving North Korea's nuclear program. He was one of the State Department's top negotiators during the 1995 Dayton talks that ended the war in Bosnia. He has never balked from taking on the most difficult assignments and has a long list of honors and awards which stand as evidence of his accomplishments.

Now, one of the concerns raised by my colleague earlier was about Ambassador Hill's experience, or lack of experience, in the Middle East. It should be noted that our three prior ambassadors in Baghdad—Ryan Crocker, Zalmay Khalizad, and John Negroponte—the persons who know best the experience needed to do the job—do not share this concern. They have expressed their support for Ambassador Hill's confirmation.

I am confident the experience Ambassador Hill has gained in other areas can be readily applied to the challenges he will face in Iraq. Ambassador Hill's experience in coordinating the multilateral negotiations on North Korea's nuclear program will serve him well when he seeks the support of Iraq's neighbors on nuclear issues. That experience will also serve him well in working with Iraq's numerous political factions. Ambassador Hill's experience in the Balkans has prepared him to deal with sectarianism, border disputes, human rights, refugees, developmental assistance, and postconflict normalization of relations, all of which will be major issues in his portfolio in Baghdad.

Mr. President, I share the concerns expressed by my colleague about North

Korea's human rights record, and I agree completely with Ambassador Hill's own assessment of that record of North Korea when he said it is abysmal. But as others have noted, Ambassador Hill's mission with regard to North Korea was set by his superiors in the Bush administration, not by him. The primary objective was to push the North Koreans to end their nuclear weapons program and their nuclear proliferation activities. That was his mission, directed by the Bush administration. That is the mission he undertook to accomplish.

I appreciate Ambassador Hill's continued willingness to take on these tough assignments. He is the right person to lead our Embassy in Baghdad at this time, and I urge his nomination be confirmed without delay.

Finally, I too often hear on the other side of the aisle a very familiar refrain lately. It is no—no to just about everything we are trying to do here. President Obama was elected with overwhelming support to try to move this country in a different direction, and what we hear consistently on the other side of the aisle—using the procedural mechanisms of the filibuster in this institution—is no and no and no. Then, while they hold up nominees, such as yesterday's nominees for Assistant Attorneys General—incredibly important to the Attorney General for law and order in this country—when we finally get to the vote, we see overwhelming bipartisan votes.

We have delayed it an inordinate amount of time instead of having those people work for the security of the country, instead of being able to move this agenda forward, instead of having more time for the Senate to meet some of the Nation's critical challenges.

It is time to get over the noes and start saying yes to some of the critical issues we need. The first yes should be today, with Ambassador Hill. That will move our foreign policy agenda ahead in one of the most critical parts of the world today.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Senator from New Jersey for a very precise and important set of arguments about why we ought to proceed forward, and I appreciate his taking time to come to the Senate floor to do that.

Momentarily, it is my hope we will be able to propound a unanimous consent agreement. We are just waiting, I hope, for the word to come back from Senator KYL shortly. I hope that can come very quickly so there could be a vote around 5:15 on this nomination.

Let me just say a couple of words about a few of the things that have been said. Obviously, we hope to be able to divide up the remaining time between us and then conclude the debate, but part of what the Senator from Kansas has said, both this morning and this afternoon, is that the

human rights envoy, then Jay Lefkowitz of the State Department, was not invited to take part in the six-party talks per an exchange that Senator BROWBACK had with Chris Hill—with Ambassador Hill—before the Armed Services Committee.

Ambassador Hill has addressed this issue, I have addressed this issue on a number of occasions, and we have really laid this out. The full text of his remarks has been submitted for the RECORD. In a nutshell, let me just state one last time for the record exactly what happened.

As Ambassador Hill made clear at the time, his promise to Senator BROWBACK applied to the future negotiating sessions, except those specifically dealing with nuclear disarmament where the Human Rights Assistant Secretary had no portfolio whatsoever. To make it clear, the Senator from Kansas somehow believes that no matter what, Special Envoy Lefkowitz should have been invited to that, but that was not a decision that was up to Ambassador Hill. Let's be clear about this. That was not Ambassador Hill's decision to make.

The New York Times on January of 2008 reported that the decision about who would attend the six-party talks and what issues would be discussed was made by Secretary Rice and the President. Here are the words of Secretary Rice speaking about Human Rights Envoy Jay Lefkowitz as quoted by the New York Times on January 23, 2008. "He," Lefkowitz, "doesn't work on the six-party talks." This is Secretary of State Rice talking, rebuking her own Assistant Secretary.

He doesn't work on the six-party talks. He doesn't know what's going on in the six-party talks and he certainly has no say in what American policy will be in the six-party talks.

That is exactly what Secretary Rice said. So the Senator may have a quarrel but it is not with Ambassador Hill. Secretary Rice was very explicit in that rebuke. Quoting Secretary Rice, again from the New York Times, this is what she said:

I know where the President stands, and I know where I stand, and those are the people who speak for American policy.

That is the level of the rebuke you are talking about here. It is almost unprecedented, frankly. And here the Senator is, trying to carry water for this rebuked Assistant Secretary who was inappropriately asserting himself at that time. But regardless of whether you think he should have been there or should not have been there, it was not Ambassador Hill's decision to make. He took daily instructions from the President and from the Secretary of State, from the State Department. That is what a good diplomat and negotiator at important talks like that does and that is exactly what he did.

I ask unanimous consent the full text of the article in the New York Times be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the New York Times, Jan. 23, 2008]

RICE REBUKES BUSH ENVOY WHO CRITICIZED POLICY ON NORTH KOREA

(By Helene Cooper)

WASHINGTON.—Secretary of State Condoleezza Rice, in a rare public rebuke, has upbraided a White House envoy who criticized United States diplomacy toward North Korea that is aimed at coaxing the North Koreans to give up their nuclear weapons.

Ms. Rice said the official, Jay Lefkowitz, President Bush's special envoy on North Korean human rights, was not speaking for the administration when he told an audience at the American Enterprise Institute last week that the United States "should consider a new approach to North Korea" because the current approach was unlikely to resolve the issue before the end of Mr. Bush's term in a year.

Speaking to reporters aboard her flight to Berlin on Monday, Ms. Rice sharply disagreed, and said Mr. Lefkowitz should stick to human rights and leave the talks over the North's nuclear policy to her, Mr. Bush and the other nations involved: Russia, China, Japan and South Korea.

"He's the human rights envoy," Ms. Rice said. "That's what he knows. That's what he does. He doesn't work on the six-party talks. He doesn't know what's going on in the six-party talks and he certainly has no say in what American policy will be in the six-party talks."

Mr. Lefkowitz, reached at his office in New York, said he and Ms. Rice spoke on Friday about the disagreement, and he described their conversation as "very amicable, substantive and useful."

"I'm going to have a great deal more to say about elevating the issue of human rights in North Korea, which is clearly a priority for the president and Congress," he said.

The dispute comes at a time when nuclear talks have stalled, with North Korea missing a year-end deadline to disclose all of its nuclear programs. A debate within the administration has fractured along familiar lines, with hard-line national security hawks in Vice President Dick Cheney's office and at the White House arguing for a more confrontational approach with the North.

On the other side, Mr. Bush's lead North Korea nuclear negotiator, Christopher R. Hill, backed by Ms. Rice, has argued that the United States should continue a more restrained approach, one that was widely credited with bringing about an agreement last year intended to eventually lead to the denuclearization of the Korean Peninsula.

Ms. Rice said that Mr. Bush had "spoken as to what our policy is in the six-party talks."

"I know where the president stands," she added, "and I know where I stand, and those are the people who speak for American policy."

Mr. KERRY. The second thing alleged here is somehow Ambassador Hill failed to implement the North Korean Human Rights Act. That is not accurate. Facts are facts. Facts, as has been said many times, are stubborn things. Consistent with the Human Rights Act, Ambassador Hill secured the admission of the first North Korean refugees into the United States in 2006. He worked to ensure the safe passage to South Korea of asylum seekers from the North who had been detained in other east Asian

countries. He backed increased funding of radio broadcasting by Radio Free Asia. During Ambassador Hill's tenure as Assistant Secretary of State for East Asian and Pacific Affairs, the State Department approved the expenditure of \$2 million of our taxpayer funds to sponsor the Seoul Summit on North Korean Human Rights in South Korea, in December of 2005. Ambassador Hill met regularly with North Korean refugees and defectors who made it out of North Korea.

The record simply doesn't substantiate the notion that Chris Hill was inattentive to human rights. In the morning debate, the Senator from Kansas showed a dramatic picture of starving North Korean children. Noting that today is Holocaust Remembrance Day, Senator BROWNBACK said we should not be indifferent to the suffering of North Korean people and we must not consider human rights inside North Korea to be a low priority. We all agree with the Senator. Of course we should not allow it to be a low priority.

He noted that unnamed "U.S. diplomats" had opposed decisive action to bomb the rail lines leading to Auschwitz during World War II and said the current situation with north Korea is "eerily familiar."

All of us should listen carefully to what the Senator has said about North Korea and its oppression. None of us should forget the lessons of the Holocaust. We have an obligation to respond to great humanitarian crises, whether they are caused by nature or by man.

But to show a picture of starving North Korean children in the debate on Ambassador Hill's qualifications and to imply somehow that he is indifferent to their plight does a good public servant an enormous disservice—particularly one whose record is what I have described, who time and again has fought for the implementation of the Human Rights Act and who has taken personal risks on occasion to enforce human rights.

The date of the photograph that was there was not in fact declared, but I believe it was during the great Republic of North Korea's famine in 1996 and 1997. If that is true, that is 10 years before Ambassador Chris Hill began his duties as the lead envoy in the six-party talks. So, again, to create some sense of linkage or nexus here is inappropriate.

In any case, the bottom line is this. No one is going to deny that North Korea is a country on the brink of famine and failure. It is a failed place. None of us should be idle in the face of this basic threat to the health of the North Korean people and to the security of the peninsula and of the region. It is deplorable that North Korea has recently expelled food aid workers. I hope they are going to reverse that decision. We are going to listen carefully to testimony before our committee on May 6. We will have a comprehensive view on what is happening in North

Korea and what the possibilities are for our policy. But let me emphasize: Chris Hill never ignored that situation. He worked with skill and persistence to secure direct access for five U.S. NGOs, including Christian groups, to provide aid to millions of North Koreans, including hungry children exactly like the kids who were depicted in the photograph on the floor this morning.

Thanks to the work of Ambassador Hill, Korean-speaking U.S. aid workers in 2008–2009 were able to travel to remote parts of North Korea never before reached by U.S. aid workers. That is an extraordinary success for which Ambassador Hill ought to be congratulated. They were able to establish five field offices in rural areas where they had never been before. That is a success. They were able to conduct unannounced visits to schools, hospitals, and orphanages. That is an accountability we never had before. That is a success. They were able to provide 100,000 tons of food aid to help people feed literally millions of North Korean children. That is a success.

This was the first U.S. food aid to North Korea delivered by U.S. NGOs since the year 2000 and this was delivered in the most intrusive, comprehensive monitoring system ever permitted by North Korea. Ambassador Hill deserves praise for his efforts on this issue, not the criticism that was implied on the floor of the Senate.

Mr. President, I ask unanimous consent that at 5:15 p.m. today all postcloture time be yielded back and the Senate proceed to vote on the confirmation of the nomination of Christopher Hill to be Ambassador to Iraq, that the time until then be equally divided and controlled between myself and Senator BROWNBACK or designees of each of us, and that the 10 minutes immediately prior to the vote be equally divided and controlled between myself and Senator BROWNBACK; further, that the time controlled by the Republicans, of that time, Senator KYL control 15 minutes, Senator MCCAIN control 20 minutes, and that upon confirmation, the motion to reconsider be laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. I thank the Chair and thank my colleague.

I yield the floor, according to the unanimous consent.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I agreed to this unanimous consent request to try to move this somewhat forward. I do believe this has been a healthy debate. It has been a good thing for us to discuss what took place in North Korea. It has been a good thing for us to discuss human rights. Anytime we can do that I think it is a good thing for us to discuss that set-

ting, moving into Iraq and the human rights concerns there.

I do want to address a few things the Senator from Massachusetts raised. One is on the North Korean Human Rights Act. I was the author of that bill. I know that bill. I worked to get that bill through. I pushed hard to get it through. One of the provisions in that bill was \$20 million authorized under the North Korean Human Rights Act for use of the North Korean Human Rights Act and to resettle refugees from North Korea in the United States and for a number of other issues. The administration has not requested a single dime under that authorization. It didn't ask for a single appropriation. So the idea that we have implemented the North Korean Human Rights Act when no money was requested underneath that, I guess I am impressed that could take place. I hope the Government can do that well in many other areas, where they do not ask for any money and then they fully comply with an act.

I do not think the act was fully complied with. I stated that specifically here on the RECORD, the places I do not believe it was complied with.

We are digging up right now how many people have been resettled in the United States under this North Korea Human Rights Act. It is a very small number—in the dozens at most. There is a lot of hesitation, hiccups taking place. The State Department is not pushing or working with this. A number of these refugees could have been resettled here by communities in the United States. This is actually one piece that could have been done very cheaply because the Korean-American community here would have resettled them, in many cases, without cost to the Federal Government. Very few were received or brought to the United States.

The chairman of the Foreign Relations Committee is a very distinguished Senator from Massachusetts with a lot of foreign policy experience. I admire all of that. I don't think he has worked quite as much on the Korean issue, certainly not as much as some other Members of this body and myself have worked on it. To say that this was a successful negotiation I think does not stand the overall, just view of this from the public's view, let alone from a diplomatic viewpoint.

When you look at this—you say it was a successful negotiation Ambassador Hill conducted with North Korea and the six-party talks. When you look at what North Korea has done since then and try to call it that, I don't think the Japanese would call this a successful negotiation that a missile was fired over their country, one that could reach the western United States. I don't think the Japanese would call it a successful negotiation that the abductees that were taken from Japan by the North Korean leadership and never accounted for were not accounted for during the negotiation.

This was the top issue. I had the Japanese Embassy contacting my office, complaining about the six-party talks and not being included on their top issues.

Why are they having to go through me? Because they can't go through Chris Hill. What kind of diplomat is that, when he has trouble with one of your main allies on a very specific item and issue that you can at least keep them tuned in and coming along with the overall issue?

China is one of the members of the six-party talks and China has been one of the lead problems with us dealing with North Korea. Yet we do not even push the Chinese on North Korea or North Korean human rights. We don't demand that the U.N. Human Rights Commission, or Commission on Human Rights, be allowed into China to determine are these North Korean refugees who are coming into China, are they economic migrants, are they refugees? We don't even push the Chinese to allow the U.N. in to look and see what the status is here. We do not push them at the six-party talks or the U.N. There is a complete failure of this.

I have had some refugees, a few who made it out of North Korea into the United States, a few more who made it into China—it is hard to get out of China and into the country—I have had a couple into my office, interviewing them, and they talked about the horrible conditions in China for North Korean refugees. Several hundred thousand, probably, are there, stateless, not protected. The women are generally captured and sold as concubines in China—captured like wild animals. This is their fate. We do not push the U.N. Human Rights Commission, don't push the Chinese to allow these individuals in, even though the Chinese have signed the declaration on this. We don't get that done. That is not a success taking place.

North Koreans recently abducted two Americans on the North Korea-China border. That has taken place. We don't object to that. They are developing part of the Syrian nuclear reactor. We don't get any information on that. We get incomplete information. We waive the terrorism list. We get nothing out of this deal. That is called a successful negotiation. I wonder what we will call successful negotiations in Iraq, then, if that is what we are calling a successful negotiation with the North Koreans in the six-party talks. I wonder what we will call successful human rights being determined in Iraq when we see the human rights record of what is taking place in North Korea. I wonder how that is going to be viewed.

For all of those reasons, I think this has been a healthy debate for us to have had. I hope when the supplemental comes up, we as a body do not waive again the Glenn sanctions on North Korea. That will come up in front of this body. It is an annual waiver that will have to take place. I hope we as a body do not fund North Korea beyond humanitarian assistance. That will come up in the supplemental. I

want to lay those markers down for my colleagues. I hope people are watching for this, that we do not reward the North Koreans, that we do not become their supporter like the Soviets were, and we do not continue this practice, much of which Chris Hill negotiated.

I yield the floor.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from Virginia is recognized.

Mr. WEBB. Mr. President, I would like to add my voice in support of the nominee, Chris Hill, whom I have had the pleasure of working with extensively in his current assignment, both in my role as a member of the Armed Services Committee and also of the Senate Foreign Relations Committee.

I think he is a uniquely qualified individual. He has a long history of success. If anything, in the current debate, I believe he is perhaps being victimized by the fact that he is a loyal diplomat and was carrying out, with great expertise, the charges that had been given to him as someone who has a career in that area.

The numbers are pretty clear. He is going to get at least 70 votes. I believe it is time for us to end this debate and have the vote and get Chris Hill on his way. I respect the Senator from Kansas. I respect his concerns. He has been a great champion in terms of human rights. I would just suggest that this is not the place to continue this sort of discussion when the situation in Iraq is filled with unknowns, as it is, and our need of getting someone who has these types of qualifications over there to do this job.

The Chris Hill nomination is no more place to have this debate than it was when the nomination of the current Ambassador to South Korea was also held up for similar reasons. The points have been made. I think all of us understand them, and we need to get on with this nomination.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. MCCAIN. Mr. President, I rise today in opposition to the confirmation of Assistant Secretary Christopher Hill as U.S. Ambassador to Iraq. I do not often come to the floor and object to nominees of the President of the United States. I believe elections have consequences, and that gives a President of the United States the benefit of the doubt and, even more, as far as the selection of the team he assembles in order to do the best job possible. So it is on a rare occasion that I object to a nominee of the President. But for too long and too deeply the United States of America has been involved in Iraq. There is a fragile situation there. We have recently seen an uptick in violence and attacks by extremist elements within Iraq. Now is not the time to send a person who I believe is not only unqualified on the face of it but also, in my view, has not conducted himself in the most admirable fashion in his previous work.

Today, we find ourselves in a situation few could have foreseen just a few

years ago. In late 2006, the situation in Iraq was deteriorating at an alarming rate. The Government was mired in internal strife and deadlock, sectarian violence crippled the lives of everyday Iraqis, and the outlook for the country's future was increasingly bleak. Yet in the face of seemingly unsurmountable challenges, a drastic change in strategy was introduced. GEN David Petraeus and Ambassador Ryan Crocker launched and executed a civil-military counterinsurgency plan for Iraq that turned the tide of violence in a timeframe and to a degree that surprised even the optimists. The result has been a decrease in violence to the lowest levels since 2003 and real hope about the future of the country in which we have expended so much precious American blood and treasure. Yet as our commanders have repeatedly warned, these gains, though real, are fragile. The recent uptick in violence demonstrates anew that there remain elements within Iraq who wish to continue the violence and use their power to disrupt the transition to a more stable, democratic, and tolerant society. There also remain a number of difficult political and economic issues that lay ahead, including the distribution of oil revenues, the resettlement of refugees and internally displaced Iraqis, and ongoing tensions between Arabs and Kurds.

Ambassador Ryan Crocker was able to tackle these and other issues with great skill and expertise, ensuring unprecedented cooperation between the military, the Embassy, and their counterparts in the Iraqi Government. Ambassador Crocker's remarkable tenure was a byproduct of his lengthy career in the Middle East, not simply incidental to his long record of experience in the region. He had served two tours in Baghdad previously, including in the Coalition Provisional Authority, and he also served as Ambassador to several neighboring countries, including Lebanon, Kuwait, and Syria. His longstanding relationships with the region's leaders, his deep understanding of the complexities of Arab and Iraqi culture, and his ability to speak fluent Arabic were instrumental to his success.

Now, as we reduce the number of combat forces in Iraq, our national interests there will depend to an increasing degree on the skill of our diplomacy. I believe Ambassador Crocker's successor should possess many of the same traits he demonstrated, including experience in the region, an understanding of its players and dynamics, and relevant language skills. While Ambassador Hill has developed regional expertise, it is not in the Middle East. He has served as Ambassador in Europe and Asia, and speaks, admirably, three European languages but does not speak Arabic. He has not had the opportunity to work with leaders in Iraq or in the region. In fact, he has

never been to Iraq. He has limited experience at best in working with the military in the areas of counterterrorism and counterinsurgency.

The next U.S. Ambassador to Iraq will take over at a critical time in history of our involvement there. The U.S. Embassy in Baghdad is the world's largest and, along with our Embassy in Kabul, one of the two most important. The next Ambassador will play a vital role in consolidating our hard-won gains and ensuring that the country does not backslide into violence and turmoil. Given the enormity of our stakes in Iraq, I do not believe it is appropriate to select as our next Ambassador someone who will require on-the-job training in Iraqi affairs and in Middle East issues.

This may well be, I am afraid, the case with Mr. Hill.

There are a number of well-qualified individuals both within the Foreign Service and without it who would make excellent U.S. Ambassadors to Iraq. I do not believe Mr. Hill is among this number.

Our next Ambassador must hit the ground running and quickly work with the ground commander, Iraqi leaders, and others to confront the still great challenges that will present themselves over the next several years. We have made many mistakes in Iraq over a number of years, and they have cost us dearly. We have seen individuals take charge of U.S. efforts there without the background and experience necessary to succeed. I do not want us to repeat this mistake.

In addition to my concerns about Ambassador Hill's lack of Middle East experience, I also have questions arising from his tenure as U.S. Envoy to the six-party talks on North Korea's nuclear program. His legacy in those talks was controversial, as evidenced by complaints that other members of the interagency process were cut out of crucial policy deliberations. In a cable reported in the *Washington Post*, Thomas Schieffer, then-U.S. Ambassador to Japan, warned of irreparable harm to our relations with Tokyo resulting from an agreement that did not adequately address Japanese interests, including the issue of abductions. Ambassador Schieffer added that he could not play a role in remedying this state of affairs because Ambassador Hill had cut him out of the flow of information on North Korea.

Members of the Senate, including my colleague from Kansas, have asserted that Ambassador Hill broke a commitment made before a congressional committee to include North Korean Special Envoy for Human Rights Jay Lefkowitz to all future negotiating sessions with North Korea. I am aware that Ambassador Hill has asserted that he did not, in fact, break such a commitment, notwithstanding the fact that Mr. Lefkowitz was not included in these subsequent negotiating sessions.

Given the key role the Congress and non-State Department agencies play in

our Iraq policy, however, I believe it is crucial that the next Ambassador to Iraq begin with a surplus of trust and good will with both. Ambassador Hill, I am afraid, starts with a deficit.

Ambassador Hill testified on October 25, 2007, before the House Foreign Affairs Subcommittee that "clearly we cannot be reaching a nuclear agreement with North Korea if at the same time they are proliferating. It is not acceptable." Yet, just months later, Ambassador Hill reached an agreement with Pyongyang despite its alleged nuclear proliferation to Syria, and reports have emerged of Iranian-North Korean cooperation in missile technology.

In recent weeks alone, North Korea has tested a ballistic missile in violation of United Nations Security Council resolutions, expelled inspectors from the International Atomic Energy Agency, removed seals on equipment, and turned off surveillance cameras at the Yongbyon nuclear plant and announced that it is withdrawing from the six-party talks.

While Mr. Hill did not bear sole responsibility for the content of U.S. policy toward North Korea, nor for the outcomes I have just described, it is nevertheless inescapable that he has played the key U.S. role in the formulation of policy toward Pyongyang for the past several years. To the eyes of most objective observers, those policies have failed.

Finally, I am troubled at comments and characterizations that appeared in a recent book by *New York Times* reporter David Sanger. In a statement to associates, for example, Ambassador Hill is quoted—and it is a direct quote—as saying of members of the administration—the administration which he supposedly served—"these [expletive] don't know how to negotiate. Everything is Appomattox. It's just 'Come out with your hands up.' It's not even really Appomattox, because at the end of Appomattox they let the Confederates keep their horses." This is perhaps the most colorful but not the only reference along these lines. Mr. Sanger quotes Ambassador Hill as saying that his instructions "showed a complete lack of understanding about how the world works," and the book, along with other accounts, cites numerous examples of Mr. Hill going beyond his instructions as authorized by the Department of State.

I know loyalty is a rare commodity in this town, and I do not expect a lot of it. I have seen a lot of situations where people seek to burnish their own images and their own reputations. I guess in some ways this is kind of a classic example, this quote of Ambassador Hill's, talking about the people he works for: "These [expletive] don't know how to negotiate." And he says—and it is a direct quote again—that his instructions "showed a complete lack of understanding about how the world works." I wonder if Mr. Hill really felt

this strongly, as these quotes indicate in Mr. Sanger's book, that he might have felt motivated for the good of the country to speak out publicly to remonstrate that "These [expletive] don't know how to negotiate." Instead, many times we see people more interested in how a *New York Times* reporter describes them than they are in serving the people who appoint them to the positions of responsibility.

In response to a lengthy set of questions I submitted to Ambassador Hill, he wrote that fulfilling the oath taken by a Foreign Service officer "means respecting the chain of command and remaining loyal to my leadership." In this, I agree with Mr. Hill. Mr. Hill, if those quotes are accurate—and I have no reason to believe they are not—obviously did not feel so at the time.

But, most importantly, the stakes in Iraq today could hardly be higher. We have been at this war for 6 long and difficult years. We made many mistakes. We paid an enormous price for the gains we see in that country today. And I must say, in all candor, we have seen another Ambassador to Iraq who went there without experience, and things did not turn out so well.

There are qualified individuals who are serving this Nation in and out of the Foreign Service.

It well known that Marine General Zinni was offered the job, at least by some members of the administration, and then somehow that offer disappeared. The fact is, we have sacrificed a lot. We owe it to the brave men and women who have sacrificed so much to ensure that the remarkable progress they have achieved translates into long-term stability as our combat troops begin leaving the country. After meeting with Ambassador Hill and examining his record, the concerns I raised following his nomination last month remain. For this reason, I must oppose his nomination as the next U.S. Ambassador to Iraq.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I rise in opposition to Ambassador Christopher Hill's nomination to serve as the next U.S. Ambassador to Iraq. As Senator BROWBACK and I stated in a letter to Secretary of State Clinton regarding Ambassador Hill's nomination:

Our role as United States Senators is not to choose the President's envoys. However, in the exercise of the Senate's constitutionally mandated role of advising and consenting to nominations, we are required to judge the qualifications by ambassadorial candidates on several levels, not least their past record of dealing with our own branch of government.



I do not believe Ambassador Hill has the requisite experience to be our Ambassador to Iraq at this critical time in that young democracy's history. Beyond that, serious allegations have been made by members of the press as well as Members of this body that call into question Mr. Hill's ability to follow orders and his willingness to be forthcoming and truthful with the Senate itself. I believe these allegations merit much more rigorous review.

Many of my colleagues believe that Iraq is at a critical and fragile juncture and that now is no time to delay the installation of our Ambassador to that country, and to them I say I could not agree more. However, I would also say to them it is even more critical that we send an Ambassador who has the proper experience for the tough task ahead of him. We should be sending someone who understands the complex and unique historical, cultural, and tribal intricacies of those with whom he will be interacting and negotiating. We should be sending someone who speaks their language, literally. We should be sending someone who, over their distinguished career at the State Department, has at least had one assignment to the Middle East. Ambassador Hill has had none. At no time during his 32 years has he had an assignment there, nor does he speak Arabic. Surely, the State Department has at least one distinguished diplomat who has career experience in the Middle East.

Some of my colleagues argue that Ambassador Hill's experience in Kosovo and Bosnia give him crucial experience solving complex problems of ethnic civil wars. After 6 years of, I would hope, lessons learned, I am sure my colleagues would agree with me that we should not approach the cultural and ethnic nuances in Iraq with a same-thing-only-different diplomacy. I certainly hope the Obama administration is not taking a one-size-fits-all approach to the world.

Iraq's history is not that of Kosovo or Bosnia. Its cultural and ethnic makeup is completely unique. We need someone who understands Iraq's history, culture, and, yes, language. That is why the choice of Ambassador Ryan Crocker was so inspired—a diplomat who, over his career at the State Department, had been assigned to Iran, Qatar, Lebanon, Egypt, Syria, Afghanistan, and Pakistan—all before he took on his assignment as Ambassador to Iraq. In addition, he spoke Persian and Arabic.

Much of our recent success in Iraq is because of Ambassador Crocker's lifetime of knowledge and understanding of Iraq and its neighbors' cultural and ethnic history. While I don't expect a carbon copy of Ambassador Crocker, I do assert again that surely the State Department has to have at least one distinguished diplomat with relevant experience in the Middle East. If it doesn't—if its bench for Iraq is one diplomat deep—we need to find out what is going on over at the State Department.

Moreover, I worry what signal it sends—when coupled with the recent campaign rhetoric—of our commitment to sustain the hard-fought gains of the surge by sending an ambassador to Iraq with no experience in the region. What message does that send to Iraqi leaders who are nervous that the U.S. commitment to finish what we started has ended?

In addition to his lack of Middle East experience, recent press reports about Ambassador Hill's conduct as head of the U.S. delegation of the six-party talks on the North Korean nuclear issue raise serious doubts about his fitness to serve in such a sensitive position as Ambassador to Iraq.

Twice, Ambassador Hill allegedly disobeyed orders from the President and Secretary Rice not to engage in any bilateral meetings with the North Koreans. According to Stephen Hayes of the *Weekly Standard*:

On July 9, 2005, [Secretary of State] Rice had given approval for a trilateral meeting with the Chinese and the North Koreans in an effort to get the North Koreans to return to the six-party talks on their nuclear program. . . . The Chinese didn't show up, as they had promised. Hill nonetheless met alone with the North Koreans and gave them an important propaganda victory.

We cannot afford to have diplomats exceeding their authority and engaging in freelance diplomacy when they see fit and in direct opposition to the wishes of the President and the Secretary of State.

That is why Senator BROWNBACK and I wrote to Secretary Clinton and asked her to provide us with all relevant cables and correspondence regarding Ambassador Hill's instruction for these two meetings so that we can establish the facts. These matters could have been cleared up by now if the State Department had responded to the letter that Senator BROWNBACK and I sent. It has not chosen to do so. We have no response.

Finally, Senator BROWNBACK raised questions about Ambassador Hill's truthfulness to the Senate. The Senator spoke to this matter.

The position of U.S. Ambassador to Iraq is among the most sensitive missions we have in the world at this time. It is critical that ambassadors follow the letter and spirit of the orders given by the President and the Secretary of State. It is equally important that anytime an ambassador gives assurances to the Senate that something will be carried out, or certain actions will not be engaged in, that those assurances be rock solid.

Mr. President, for the reasons I have articulated—and I associate myself with the remarks of Senators BROWNBACK and MCCAIN—I regret that I cannot support Christopher Hill's nomination to replace Ambassador Crocker as U.S. Ambassador to Iraq.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I rise to express my strong support for Christopher R. Hill to be the next Amba-

sador to Iraq. I have had the privilege of working with Ambassador Hill and I know him. He is a Rhode Islander. He was born in Little Compton, where he resides. He brought his fine skills and talents to public service many years ago. He has distinguished himself in that service over many years. He is being posted to one of the most critical areas of the world.

Mr. President, you and I just returned from Iraq. One of the comments we heard from General Odierno and from our diplomatic personnel was the need to rapidly confirm Ambassador Hill. They have every confidence in him. They believe he cannot only do the job but do it extremely well. I think their support is much more compelling than the opposition I have heard on the Senate floor today.

We understand, as they do, the real step forward in Iraq is building its governmental capacity and dealing with very explicit problems, one of which—and the Presiding Officer and I have both spoken on this today—is the tension between the Kurds and Arabs around Kirkuk, with respect to oil. Our Ambassador has to hit the ground running and deal with a very difficult set of issues. Chris Hill is prepared to do that.

Together with General Odierno, they will form a team that will continue the progress that has been made over the last several months.

Ambassador Hill, as I mentioned, is from Rhode Island. He earned his B.A. from Bowdoin College and a masters from the Naval War College, also in Rhode Island. He is extremely well qualified for this position, with a lifetime of diplomatic service and facing challenges in many different arenas, and facing them with distinction. He has particular skills in bridging gaps and bringing people together, which will be critical.

Ambassador Hill entered the Foreign Service in 1977. In the 1980s, he served in various positions within the State Department in Washington. He was an economic officer in the Embassies in Belgrade, Yugoslavia; Warsaw, Poland; and Seoul, Korea.

Beginning in 1991, he spent 2 years as the Deputy Chief of Mission at the U.S. Embassy in Tirana, Albania. From 1994 to 1996, he was the Director of the Office of South Central European Affairs.

Then, in 1996, he was named the Ambassador of Macedonia during a period when the United States was actively engaged in multilateral efforts to prevent the spread of ethnic conflict in Macedonia, bolster Macedonian independence and state viability, and manage bilateral disputes between Macedonia and Greece. He worked with our American military forces during that period.

The first time I met with him I was with the commander of the First Infantry Division of the U.S. Army who was on the ground. So the Ambassador is someone who has already been in a situation in which ethnic tension, bilateral relationships between regional

powers, and Army military stabilization operations were underway. I think that experience will make him extremely prepared for and equipped to accomplish the mission he has been assigned in Baghdad.

Ambassador Hill was also part of a team that was assembled by Ambassador Holbrooke that negotiated the Bosnian peace settlement. He fought to ensure that protections were included for those who had been made refugees by the war. In one instance, he personally intervened at the Stenkovac refugee camp to prevent a rioting mob from beating an ethnic Roma family to death.

I think he has a sensitivity to ethnic and sectarian tension, not gleaned from textbooks but from personal involvement and engagement in these situations.

In 2004, he returned to Seoul, Korea, this time as the Ambassador. There he partnered with Korean authorities and the commander of the U.S. Forces Korea, General Leon LaPorte, another Rhode Islander, to develop and implement the most significant realignment of our military posture in the region since the Korean war. I think it was an effort that today is bearing fruit in terms of the ability of U.S. forces in Korea to continue their mission with a smaller footprint, and indeed to be able to support operations around the globe as units from Korea are being sent into the combat zone in Iraq and Afghanistan.

Most recently, after his experience as Ambassador to Seoul, he served as Assistant Secretary of State for East Asian and Pacific Affairs and also as head of—as somebody mentioned—the six-party talks, which attempted to get the North Koreans to move away from their path of nuclear progress they had been making. He worked hard to dismantle their main nuclear facility and provide a full accounting for their plutonium.

Ambassador Hill also engaged in issues of human rights. It has been pointed out that not all of the efforts have been completely successful. But what he was doing was carrying out the policy of the beneficiary administration. He was carrying out the instructions of the Secretary of State and the President of the United States. I think he did that with fidelity to his responsibilities to his superiors and also a keen commitment to improving a situation that had become very dire indeed.

Ambassador Hill has received numerous awards, including the Secretary of State's Distinguished Service Award, the Francis Shattuck Security and Peace Award, the Robert C. Frasure Memorial Award for Peace Negotiations, and the Secretary of Defense Medal of Meritorious Civilian Service.

Ambassador Hill, with his talent, his character, and his commitment to the Nation, has also been recognized because he has been endorsed for this position by the last three Ambassadors to

Iraq, including Ryan Crocker, Zalmay Khalilzad, and John Negroponte. These gentlemen did an extraordinarily good job for us there. I am particularly singling out Ryan Crocker—someone whose commitment was not just in terms of his professional skill but his physical skill—risking his life numerous times, working day and night, 7 days a week, and doing it with distinction and grace. That is remarkable.

Again, no one is going to be another Ryan Crocker. I think it is extraordinarily significant that Ryan Crocker, who probably knows that job as well as anybody, would endorse Christopher Hill to take the job. He would not do it just as a courtesy to a fellow State Department officer. He did it because I believe he understands that Ambassador Hill not only can do the job but will do it.

I also say the same thing about the commitment and sincerity and support of Zalmay Khalilzad and John Negroponte. Furthermore, I think both General Petraeus and General Odierno have indicated that not only is he someone with whom they can work, they want to be able to work with him quickly. They want him on the ground. Iraq is at a pivotal juncture in the history of that country and its relationship with the United States. The intelligence and commitment and experience of the Ambassador to Iraq is critical. Ambassador Hill has an abundance of the necessary skills. He has proven again and again he can bring a possible situation to a workable solution. He is the right man for the job. I urge my colleagues to support his nomination.

I yield the floor.

Mr. HARKIN. Mr. President, I strongly support the nomination of Christopher Hill, one of America's most distinguished and accomplished career diplomats, to serve as Ambassador to Iraq.

Our Baghdad Embassy is, obviously, a post of critical importance to United States interests. Our Armed Servicemembers and diplomats serving in Iraq need and deserve an ambassador without further delay. President Obama has set forth a sound strategy for ending our combat role in Iraq and allowing the Iraqi Government to take full responsibility for that Nation's affairs. We will be extremely fortunate to have an ambassador of Christopher Hill's skills, stature, and experience, to oversee this important new phase in our relations with Iraq.

Ambassador Hill's career in the Foreign Service spans more than three decades. He has extraordinary expertise and experience in the fields of national security, peacebuilding, and postconflict reconstruction. He is exactly the right person to have in this critical post at this pivotal time in Iraq.

While serving in the former Yugoslavia from 1996 to 1999, Ambassador Hill was at the center of negotiations for the Bosnia peace settlement, serv-

ing as deputy to chief negotiator Richard Holbrooke. He fought to ensure the protection of those who had been made refugees by the war. In one instance, he personally intervened at the Stenkovac refugee camp to prevent a rioting mob from beating to death an ethnic Roma family.

As America's first Ambassador to Macedonia, he worked with local authorities to quell ethno-religious violence and build institutions of democratic governance and civil society.

As Ambassador to South Korea, Hill strengthened a key bilateral alliance, partnering with Korean authorities and the commander of U.S. Forces in Korea to develop and implement the most significant realignment of our military posture in the region since the Korean war.

Most recently, as Assistant Secretary of State for East Asian and Pacific Affairs, Ambassador Hill led extremely complex negotiations to counter North Korea's nuclear ambitions, working with a diverse and powerful group of countries, including China, South Korea, Japan, and Russia.

Ambassador Hill has a master's degree from the Naval War College, and has extensive experience working with our U.S. military on counterterrorism and counterinsurgency. Ambassador Hill has worked with some of the best military commanders of this generation, addressing some of our Nation's toughest challenges GEN Eric Shinseki in the Balkans, GEN Leon LaPorte in Korea, ADM Tim Keating of Pacific Command, to name just a few.

Ambassador Hill's nomination has been endorsed enthusiastically by our last three Ambassadors to Iraq: Ambassador Ryan Crocker, Ambassador Zalmay Khalilzad, and Ambassador John D. Negroponte. We need his experience and seasoned judgment during this crucial time of transition in Iraq. Ambassador Hill's nomination has been vetted through the normal process. It is now time for the Senate to vote on his confirmation, and allow Ambassador Hill to get to work on the significant challenges ahead.

Mr. BUNNING. Mr. President, I rise today to give my remarks on the nomination of Christopher Hill to be United States Ambassador to Iraq. Unfortunately, I cannot support this nomination. There are two principal reasons for my opposition. The first is his inexperience in the Middle East and with the type of challenges provided by Iraq. The second is his actions and behavior during negotiations with North Korea.

It is generally accepted that career diplomats will serve in many very different parts of the globe. However, the position of Ambassador to Iraq is arguably the most important diplomatic post in the world to the United States. To see an example of just the type of person suited to this job one only need to look to the most recent U.S. Ambassador to Iraq: Ryan Crocker. Mr. Crocker previously served as Ambassador to Pakistan, Syria, Kuwait, and

Lebanon. He had served in Iraq previously and was Deputy Assistant Secretary of State for Near Eastern Affairs. He is also fluent in Arabic.

Ambassador Hill has none of these credentials. He has spent nearly his entire career concentrating on European affairs, until recently shifting to the Far East to concentrate on issues regarding the Korean peninsula. He has no prior postings or assignments that would give him experience with the Middle East nor that would give him any knowledge of U.S. counterinsurgency efforts there. As the United States begins to draw down the military presence in Iraq, the efforts of our diplomats there will become even more important. We need a more experienced head of these efforts than we have been given in Christopher Hill.

Within Ambassador Hill's experience to date, I have severe concerns in the manner in which he conducted himself as chief U.S. negotiator in the disarmament talks with North Korea. Not only do I find his actions unprofessional but question his negotiating tactics and the concessions he made. Records show he engaged in evasive and unprofessional activities, including sidelining key officials at the State Department and breaking commitments made before congressional committees.

Ambassador Hill also made significant concessions to North Korea during his disarmament talks that I believe were diplomatically unsound and imprudent. I firmly believe they put the United States at a disadvantage in our efforts to move forward with this rogue Communist regime. Removing North Korea from our list of state sponsors of terrorism along with lifting our sanctions in return for a mere "good faith" declaration of their nuclear weapons program was unsound and irresponsible. True to form, North Korea, through a symbolic process of smoke and mirrors, only partially disclosed their weapons program giving the United States access to information that was already known throughout the international community. North Korea's recent decision to abandon the six party talks and restart their nuclear weapons program only highlights our failed diplomacy and Ambassador Hill's shortcomings.

As we move forward with one of the most diplomatically sensitive missions in American history I do not believe that we can afford to make any mistakes. While Ambassador Hill has a distinguished career of diplomatic service, I do not believe that he is the right nominee for this position. Thus, I respectfully oppose his nomination.

Mr. BROWNBACK. Mr. President, there is a previous agreement that the final 10 minutes be equally divided, 5 minutes on either side, and I rise to use that 5 minutes in opposition.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BROWNBACK. Mr. President, we are soon to vote on the issue of whether Chris Hill should be the next ambas-

sador to Iraq, and I want to make a few comments about that in closing.

I think there has been a good, full discussion, and I think it has been a good discussion. I misspoke at one point in time, in talking about Auschwitz and Poland. It wasn't a Polish concentration camp. It was in Poland, but it was run by the Nazis. I wanted to make sure I am clear on that to individuals.

Also, I wish to add Senator HUTCHISON to the North Korean Sanctions Act for the RECORD.

Today marks the Holocaust Remembrance Day, as cited earlier on the floor. The Holocaust Museum's theme this year is: "Never again: What You Do Matters." I think what Chris Hill did matters in this case.

I want to read one section of the statement from the Holocaust Museum and what they put forward about what you do matters. They stated:

Remembrance obligates us not only to memorialize those who were killed but also to reflect on what could have been done to save them. Those who survived tell us that as many faced their horrific deaths, their last words were "Remember us. Tell our story." Survivors promised that they would, and that never again would the world stand silent or look the other way.

Well, I can't stand silent and look the other way in North Korea. And I think "never again" ought to mean that. The deeds of Ambassador Hill in North Korea—no progress on human rights, a terrible deal, failed diplomacy—and I can go through what has happened in the last 2 weeks. To reiterate, North Korea has launched a multistage ballistic missile over Japan, kidnapped two of our citizens, pulled out of the six-party talks, kicked out international nuclear inspectors and American monitors, restarted its nuclear facilities, and according to at least one news source is now under investigation for shipping enriched uranium to Iran.

It was a terrible deal. In all this debate we have had about Chris Hill, not one colleague has defended the deal Chris Hill got with the North Koreans on its merits. Nobody has defended the deal he has gotten on the merits. They just said: Well, it is tough to negotiate. Yes, it is tough to negotiate, but on the merits, this was a terrible deal. And the irony is that the only thing dismantled in the six-party talks was our strategic deterrence and our moral authority. That was the only thing that was dismantled. Convening a six-party dialogue is not success in and of itself, especially when the result is so abhorrent.

We will have a chance to talk about this again shortly. It is going to be coming up in a supplemental. As a reminder here in the Chamber, then-Senator Obama said:

Sanctions are a critical part of our leverage to pressure North Korea to act. They should only be lifted based on North Korean performance. If the North Koreans do not meet their obligations, we should move quickly to reimpose sanctions that have

been waived and consider new restrictions going forward.

In the supplemental fight, there will be a discussion to give North Koreans more heavy fuel oil. I ask my colleagues not to put that in the bill. There will be a sanctions waiver discussion in the supplemental. I ask my colleagues not to waive sanctions on North Korea in the supplemental fight, and I ask instead that we reimpose the sanctions that then-Senator and Presidential candidate, now President Barack Obama called for in June of 2008. That seems to me to be an appropriate route for us to take as we look at this full set of problems we have and the discussion that we have had to date.

I ask my colleagues again to consider the qualifications of Ambassador Hill, the problems that have come under his watch, and the North Korean talks, and not confirm him to be our ambassador for Iraq in a situation where he has produced such terrible results and on a Holocaust Remembrance Day when we say: Never again.

I further ask my colleagues that if you do confirm him, if he is confirmed today, that we actually do remember that what we do matters and what we say matters and that we not go forward here at this point in time and say: Fine, we are going to go ahead and waive the sanctions. This was part of the Hill strategy toward North Korea; we are going to go ahead and waive these and we are going to let it happen anyway.

Mr. President, I realize I have used my time, and I do appreciate that my colleagues have let us have a full debate on this.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, we have given Senators now a chance to air these grievances and raise questions and engage in a pretty full debate on the nomination of Chris Hill. I appreciate the issues my colleague has raised. I know he is deeply concerned about these, and has been one of the leaders in the Senate on the subject of human rights. We all respect that and we are determined in the course of our hearings and in the course of the work of the committee to keep that issue front and center, not just with respect to North Korea but with every country where those issues exist.

I do think it is unfair to suggest that Ambassador Chris Hill has done anything less than meet the standards we would expect with respect to his stewardship, both with the six-party talks as well as in the rest of his career, and I have talked about that a great deal.

We have heard the arguments and now is the time to vote. We need an ambassador in Iraq. We need this ambassador in Iraq.

This should not be a controversial nomination. Ambassador Hill is a proven expert negotiator. He is a problem solver and one of the best diplomats we have in the corps. As has been discussed, he has a great deal of experience with the skills that matter the most for the resolution of the remaining issues in Iraq, and he has been particularly involved in ethnic and sectarian conflicts not unlike those he will face when he gets over there. He has worked on multiparty international negotiations, and he is going to have to bring every skill he has learned in the fullness of his career to this task.

Particularly, I want to say we join Senator BROWNBACK in expressing the full concern of every Member of the Senate that we give meaning to the words "never again." That is a solemn responsibility. It is a solemn responsibility particularly on this Holocaust Remembrance Day.

But it is also clear from the record, from Secretary Rice's own words, that the decision to leave the Special Envoy for Human Rights out of these negotiations was not made by Chris Hill and we should not, in our votes today, hold that decision of his superiors against Chris Hill. It was a decision which Secretary Rice has spoken to publicly and I think we have addressed the major concern that was raised by the Senator from Kansas.

We have also shown the fullness of Chris Hill's own record on human rights and I think that record speaks for itself.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KERRY. I thank the Chair and look forward to this vote. I hope it will be an overwhelming vote in favor of our ambassador to Iraq.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that the cloture motion with respect to the motion to proceed to S. 386 be withdrawn, and that on Wednesday, following a period of morning business, the Senate proceed to the consideration of Calendar No. 28, S. 386.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. There will be no further rollcall votes today, of course after the Hill vote. Tomorrow we will consider financial fraud legislation. I encourage those Members who have indicated to the managers interest in offering amendments or coming to speak on the bill, that they do that. I have spoken to the Republican leader today. He said he believes there are a number of amendments—not long in number—that the Republicans wish to offer. We solicit those amendments. There could be several amendments from this side also. It would be good if we could get to legislating on this tomorrow.

I also say I think it set a good tone. We should not have to file cloture on every motion to proceed. I appreciate very much the Republicans not necessitating that wasteful vote. This bill has been on the calendar and available since March 5. No one has to be concerned about not having seen this financial fraud legislation.

Members who have amendments should be ready to go forward with them tomorrow morning.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Christopher R. Hill, of Rhode Island, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iraq?

Mr. KERRY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 23, as follows:

[Rollcall Vote No. 159 Ex.]

#### YEAS—73

Akaka	Feingold	Merkley
Alexander	Feinstein	Mikulski
Barrasso	Gillibrand	Murkowski
Baucus	Gregg	Murray
Bayh	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Hutchison	Pryor
Bingaman	Inouye	Reed
Boxer	Isakson	Reid
Brown	Johanns	Sanders
Burr	Johnson	Schumer
Byrd	Kaufman	Shaheen
Cantwell	Kerry	Snowe
Cardin	Klobuchar	Specter
Carper	Kohl	Stabenow
Casey	Landrieu	Tester
Chambliss	Lautenberg	Udall (CO)
Cochran	Leahy	Udall (NM)
Collins	Levin	Voinovich
Conrad	Lieberman	Warner
Corker	Lincoln	Webb
Dodd	Lugar	Whitehouse
Dorgan	Martinez	Wyden
Durbin	McCaskill	
Enzi	Menendez	

#### NAYS—23

Bennett	DeMint	McConnell
Bond	Ensign	Risch
Brownback	Graham	Sessions
Bunning	Grassley	Shelby
Burr	Hatch	Thune
Coburn	Inhofe	Vitter
Cornyn	Kyl	Wicker
Crapo	McCain	

#### NOT VOTING—3

Kennedy	Roberts	Rockefeller
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The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to re-

consider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

#### MORNING BUSINESS

Mr. DORGAN. Madam President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

#### FLOODING IN NORTH DAKOTA

Mr. DORGAN. Madam President, I have come to the floor to talk for a moment about the unprecedented flooding that has occurred in the State of North Dakota in recent weeks. My colleague, Senator CONRAD, discussed it some yesterday, and I want to discuss it as well.

We have had flood disaster assistance now approved for 38 of North Dakota's 53 counties, and it has been the most unprecedented, unbelievable flooding we have ever seen in the State of North Dakota. This chart I have in the Chamber shows, in red, the counties that have been declared disaster areas as a result of flooding. You can see it covers nearly three-fourths of the State of North Dakota. And we have had more snow, more moisture, more difficulty, more blizzards, and so on, and the rivers across our State have exceeded their banks and threatened very dramatic flooding, which I am going to talk about some today. But before I talk about the water, I want to talk about the people of North Dakota.

The unprecedented flooding that has driven people from their homes and caused so much damage and so much difficulty for so long has caused people in North Dakota to come together to do the most unusual things I have ever seen.

At midnight one night, I peered down the stairs of what is called the FARGODOME to see this large expanse. Inside this large dome building, at near midnight, I peered down on that floor, and there were thousands and thousands of people on the floor of that dome filling sandbags. They filled 3½ million sandbags in about 5½ days—3½ million sandbags in 5½ days. And they did not hire anybody to do that; they just put out a notice on the radio to say: We need people, and people showed up. The most unbelievable thing in Fargo, ND, was to watch what they did with just the people power that showed up. No one thought a group of people could do that, but they did—3½ million sandbags.

The Anne Carlsen School over in Jamestown, ND—on the James River that began flooding—the Anne Carlsen School previously, many years ago, was called the Crippled Children's School. Children who are in that school need a great deal of care. There needed to be an evacuation of the Anne Carlsen School. Eighty athletes from the college and the high school showed up, and in 4 hours, not just the children but the special beds and special equipment and all the things that are necessary to help take care of those children was moved to higher ground and moved to safer quarters.

It is unbelievable that people all over our State just showed up. When all of these volunteers were out there walking the dikes—and particularly the National Guard that walked all of those dikes on the Red River especially, and now in Valley City, which has very high levels at the moment and is in a very difficult circumstance—we had all of those people involved 24 hours a day.

As is very typical in a State such as mine, hundreds and hundreds of people decided that one way they could participate is to prepare hot dishes and casseroles and meals. I was in meetings where people would show up with big platters of homemade sandwiches. I know volunteers who worked for hour after hour on end would find that people would show up with casseroles and hot dishes, as they call them in our part of the country. One of the ways you fight floods as well is to feed those who are hungry out there in the dike lines and out there who are sandbagging.

Let me show a couple of the sites from the Red River Valley. This is a photograph of a National Guard helicopter. I cannot say enough about the National Guard and how critically important they have been to this flood fight.

But, as you can see from this picture, this area is as flat as a table top. Someone once described the Red River and the Red River Valley as a table top with a scratch in it, the scratch being the Red River. You can see there is not a hill in sight. This is totally, completely flat. You see water simply spreads everywhere. Here is a farmstead completely surrounded by water. That is in the Red River Valley of North Dakota.

In Pembina, ND—and by the way, this Red River runs north and runs out of North Dakota at Pembina into Lake Winnipeg—you will see the city of Pembina is surrounded by water. As shown in this picture, this is an interstate highway surrounded by water. The folks in Pembina, almost every year, have to fight these floodwaters, and this year was no different.

As reported in the Valley City Times Record, a substantial portion of Valley City had to be evacuated. In the middle of this unbelievable fight in Valley City—and by the way, that is on the Sheyenne River—the fight to the finish line here was with so many volunteers

to build dikes and to try to do what is necessary to save the city of Valley City. I walked into the Valley City Winter Show facility and saw once again an unbelievable sandbagging operation. Just blowing the city whistle and putting out a notice over the radio meant that people flocked to the area where they were needed to fill sandbags. In Valley City, even as I speak, they are still fighting those floodwaters. As shown in this picture, this is part of the diking around Valley City, as you can see. This happens to be the Sheyenne River. I mentioned the Red River Valley, which is the Red River. The Red River runs north, one of the only rivers in America that run north. The headwaters are in the southern part of North Dakota and South Dakota, so the headwaters are south and the river runs north. But this is the Sheyenne River, which then eventually runs into the Red River as well. That happens to be the Valley City issue.

This is a picture of Fargo, ND. This photograph is all water. Obviously, this house is flooded. But we had the Coast Guard there. We had propeller boats evacuating people. It is an unbelievable sight.

This is a copy of the Bismarck Tribune: "Forces of Nature." It shows a number of head of cattle simply gathered here on the only piece of dry ground, stranded by all of the water.

Of course, Linton, ND, a little community, a smaller community south of Bismarck, was hit with a significant flood.

Beulah and Hazen were hit with a significant flood, and Bismarck, ND, with ice jams, has a threat to a substantial portion of that city of a wall of 3 or 3½ feet of water that would inundate the southern part of that city if the ice jams broke.

All of these communities were facing those kinds of challenges.

Ransom County, ND. This is dead cattle shown in this picture. We do not know the count yet of how many dead head of livestock we will have, but it will be plenty, and our ranchers will have suffered a substantial amount. In addition to the dead livestock that is going to happen, we will have, undoubtedly, more than 3 million acres of ground that cannot be planted this year because of water—another difficulty as a result of this flood to the agriculture community.

As shown in this picture, this is one block from Main Street in Beulah, ND. I will be in Beulah on Saturday of this week. Here is the threat that Beulah faced, a city in the center of our State, and all of these communities: Valley City, Lisbon, La Moure, Fort Ransom, Mott, Beulah, Linton, Bismarck—and the list goes on—Pembina. All of these cities faced very substantial flooding this year.

Here, shown in this picture, is a feed lot west of Mandan, ND, with a couple dogs and a bucket. All you can see is water because that is all there was because of complete total flooding.

This is a photograph of a flooded yard and outbuilding in Fargo, ND, with a dog looking over the dikes.

Let me say the Corps of Engineers has done a masterful job. Let me also say the mayor and the vice mayor and the folks in Fargo and so many other communities have done an extraordinary job. The mayor of Valley City even today is continuing to fight this fight. If you go into a fight, a flood fight, you want the Corps of Engineers on your side because they have sent hundreds of people into our State to try to fight these floods.

This is a photograph of sandbagging, in this case by National Guardsmen, in Bismarck, ND.

This is a photograph of the dropping of 2,000-pound sandbags in areas of the dike that were about to breach, dropping from a helicopter 2,000-pound sandbags into a crevice to see if they could stop a breach.

These are just a few of the challenges we have faced in so many different communities: Jamestown, La Moure, Linton, Beulah/Hazen, Mott, Fort Ransom—so many other communities.

I want to say that I think almost everyone in North Dakota has been overwhelmed by what the notion of being a good neighbor really means. It means showing up, just showing up when you are needed—not because somebody asked you to but because you just felt you should because it was part of the destiny and the future of your community to be involved in fighting floodwaters.

This is a natural disaster, and it is going to take some long while for our State to recover. But our State is a community of interests that has made me enormously proud. The folks who settled the northern Great Plains are pretty special people. My ancestors showed up there from Europe a long, long time ago and pitched a tent on the prairies and raised a family and then built a house and started a farm. That is the way they started populating the prairies of the northern Great Plains.

In North Dakota, they still look after each other when times are tough. And this is about as tough a time as I have ever seen in my lifetime in the State of North Dakota with respect to natural disasters. We know that 12 years ago, in 1997, the city of Grand Forks faced a flood and the dike breached and the city of 50,000 people was evacuated. It was the largest evacuation of a major city at that time since the Civil War. We well understand a flood fight, well understand the consequences of natural disasters and flooding, and I am proud to say Grand Forks has come roaring back as a city.

I am also proud to say the cities of Fargo and Moorhead and Wahpeton and Breckenridge and others have fought back these floodwaters, and we did not have a breach in the dike, so that a major portion of the cities were protected. But other areas were not. The mayor of Oxbow, ND, for example—I recall standing on a dike with him, and

his eyes were full of tears as he recalled and recounted the fight they fought and lost in some areas because they simply could not hold back the waters.

There are so many stories and so much misery as a result of a natural disaster, but I think there is also a second side to it, and that is a very inspirational side of what people can do for each other and with each other to try to deal with these difficult times. The one thing about life is, success is pretty easy to handle. The question is, How do you handle things when times get a little tough?

I wanted to say I am so proud of the people of my State, the State I am privileged to represent. We have a lot now to do with the Corps of Engineers, with future water projects, and the kinds of protections that are needed to be improved for future flood protection. That will come at a different moment in the weeks and months ahead, but for now I simply wanted to describe to my colleagues some of the circumstances we faced in our State and especially the stories about what people did together to try to make a big difference, fighting back the waters of these many rivers that exceeded their banks and caused such havoc in many of our communities.

#### TRIBUTE TO JOHN HOPE FRANKLIN

Mr. WEBB. Madam President, I would like to take some time today and talk a little bit about an individual for whom I have great admiration who passed away without much comment from this body last month, John Hope Franklin, I think perhaps the most eminent Black historian in America. Even that does not do justice to John Hope Franklin, one of the most eminent historians in our country, who happened to be of African-American descent.

I make these comments as someone who spent a good deal of my life as a writer and dedicated to examining American history, and also I make them in the spirit that our Attorney General offered when he said: Maybe we should have a little more courage when we are talking about issues like race in America.

It is interesting to take a look at the paper this morning and see the Pulitzer Prizes that were awarded this year, the Pulitzer Prize for history being awarded to Annette Gordon-Reed for a book entitled "The Hemingses of Monticello: An American Family," which ties into the continuing saga of Thomas Jefferson; and for general nonfiction, a book entitled "Slavery by Another Name: The Re-Enslavement of Black Americans From the Civil War To World War II," by Douglas A. Blackmon, which is another examination of the situation of Black America in the American South.

Those are both important contributions to our understanding of American

history. When I look at John Hope Franklin, who died at the age of 94 last month, and the contributions he made and the environment in which he grew up and basically conquered through his success, I look at an individual who had a lot of impact on me when I was a young man trying to put the history of the American South into some context because John Hope Franklin had the courage to not only address Black history but to place it into the context of American history, not to deal with it as a separate issue.

There is a very fine obituary that was written in the Economist April 4 edition which outlined a lot of the high points and the challenges of John Hope Franklin's life. I ask unanimous consent this obituary be printed at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WEBB. I am going to hit a couple of points in this obituary, then I want to talk about the American South as John Hope Franklin understood it and where we are today, White and Black.

John Hope Franklin grew up in Oklahoma. His father moved to Oklahoma when he was 6 years old to practice law. He had his own challenges in that environment during the Jim Crow laws. He then went to Fisk University, was an outstanding scholar, got a doctorate at Harvard. He became the first African American to lead an all-White history department at Brooklyn College.

He later taught at the University of Chicago, and as the Economist pointed out:

Unlike many after him, he did not see "black history" as an independent discipline and never taught a formal course on it. What he was doing was revising American history as a whole. His books, especially "From Slavery to Freedom" which was first published in 1947, offered Americans their first complete view of themselves.

When I was at Georgetown Law Center, after I left the Marine Corps, and was studying on my own stead, sort of an avocation, of ethnic settlement patterns in America, I was being confronted with a lot of rhetoric that had come out of people who did not understand the American South, who did not really understand that, in truth, the American South has never been White against Black, even during its worst times. It was more a three-tiered than a two-tiered society. It was a small veneer of White aristocrats in many ways manipulating White against Black.

White and Black in the majority of the American South economically differed very little at all. I started reading John Hope Franklin's classic book, "From Slavery to Freedom." I saw that he was an intellectually honest observer, a passionate observer of true history, and he commented in this book on that in 1860, at the height of slavery right before the Civil War began.

Region-wide, less than 5 percent of the Whites in the South owned slaves.

If you think about what the American perception is on the issue of South versus slavery, you will realize what an astounding statistic that happens to be. He also went on to say:

Fully three-fourths of the white people of the South had neither had slaves nor an immediate economic interest in the maintenance of slavery or the plantation system.

So contrary to a lot of rhetoric today and a lot of misunderstanding, John Hope Franklin was giving an actual context that in the South, fully 75 percent of the Whites living alongside Blacks during the Civil War and afterwards had never benefitted from slavery or had never participated in it as an economic institution.

The aftermath of the Civil War was a very difficult time for the American South, White and Black. As I wrote in my book "Born Fighting," between the end of the Civil War and the beginning of World War II, the South was basically an owned place. It was a colonized place and, in fact, it was colonized doubly. It was colonized from the outside, an entire region owned from the outside in its basic infrastructure, its banking systems, its schools not properly funded, and it was also colonized from the inside.

This is the area that we see so many historians commenting on even today; that is, the planters society, early, before the Civil War, became, in many ways, this aristocracy that kept White and Black down at the same time, and it has taken us a very long time to get past that.

In 1933, President Roosevelt published probably the most comprehensive document on the economic conditions of the American South that has ever been written. He pointed out in this document in 1933, the educational base of the South has been decimated, White and Black. Illiteracy in the South was five times as high in the North Central States and more than double the rate in New England than the Middle Atlantic States.

The total endowments of all of the colleges and universities in the South were less than the combined endowments of Harvard and Yale alone. The South was being required to educate one-third of the Nation's children with one-sixth of the Nation's school revenues. The richest State in the South in 1933 ranked lower in per-capita income than the poorest State outside the region.

In 1933, the average annual income in the South was only \$314, while the rest of the country averaged more than \$600. This report pointed out, importantly, using the terms of the time:

Whites and Negroes have suffered alike. Of the 1.8 million tenant families in the region, about 66 percent are white [the South's population at this time was 71 percent white] . . . half of the sharecroppers are white, living under conditions almost identical with those of Negro sharecroppers.

The region had 28 percent of the country's population. In 1937 it had 11 percent of the Nation's bank deposits.



So this was a region, all the way into World War II, where you had legal separation, which we were able to overcome through the Civil Rights Movement and through a lot of very courageous people, John Hope Franklin among them.

But once you get past the legal restrictions, the economic conditions among a preponderance of the population were basically the same. But this has provided downstream implications for both African Americans and people of European descent in the American South.

When I was in law school in 1974, the National Opinion Research Center at the University of Chicago did a study on White ethnic groups, broke them down by 17 different criteria. White Baptists, which basically are a population that has descended out of the American South through the Scotch-Irish migration—of which I wrote in “Born Fighting”—averaged 10.7 years of education. Blacks nationwide averaged 10.6 years of education. So the point to be made is that for both of these groups with a very common heritage, once we set aside, as we have, the legal disparities that tormented the South for so long, have very similar challenges in terms of breaking down generational cycles.

In the obituary from the *Economist* that was written about John Hope Franklin, this point was made:

Militancy was not in his nature. He was too scrupulous a historian for that, and too courteous a man. Asked whether he hated the South, he would say, on the contrary, he loved it. His deepest professional debt was to a white man, Ted Currier, who had inspired him to study history and had given him \$500 to see him through Harvard.

I would say, as we remember this truly brilliant American, that he not only loved the South, he understood it.

#### EXHIBIT 1

[From the *Economist*, Apr. 4, 2009]

#### JOHN HOPE FRANKLIN

His chief pleasures were contemplative and patient. With watering can and clippers, he would potter in his greenhouse among hundreds of varieties of orchids. Or, standing in a river, he would wait for hours until a fish tickled his line. These were, one could say, typical historian's amusements; very close, in rhythm and character, to the painstaking, careful accumulation of tiny pieces of fact.

And yet what John Hope Franklin collected, over a lifetime of scholarship, were scraps of horror. Five dollars for the cost of a branding iron. A deed of sale, in Virginia in 1829, for a male slave “of a yellow colour” who “is not in the habit of running away”. Or the testimony from 1860 of Edward Johnson, a black child apprentice:

“I was taced and plased with a rope a round my rists my back intiarly naked and swong up then and there Each of [the men] tuck a cow hide one on Either side and beet me in such a manner when they let me down I fanted and lay on the ground 2 hours.”

To these Mr Franklin could add from his own experience. The train journey to Checotah, Oklahoma, when he was six, that ended when his mother refused to move from the whites-only carriage. His father's small law office in Tulsa, reduced to rubble after a race riot in 1921. The day he was told by a

white woman whom he was helping, at 12, across the road, that he should take his “filthy hands” off her. And the warm evening when he went to buy ice cream in Macon, Mississippi—a tall 19-year-old student from Fisk University, scholarly in his glasses—only to find as he left the store that a semi-circle of white farmers had formed to block his exit, silently implying that he should not try to break through their line.

Academia offered no shelter. He excelled from high school onwards, eventually earning a doctorate at Harvard and becoming, in 1956, the first black head of an all-white history department at a mostly white university, Brooklyn College. Later, the University of Chicago recruited him. But in Montgomery, Louisiana, the archivist called him a “Harvard nigger” to his face. In the state archives in Raleigh, North Carolina, he was confined to a tiny separate room and allowed free run of the stacks because the white assistants would not serve him. At Duke in 1943, a university to which he returned 40 years later as a teaching professor, he could not use the library cafeteria or the washrooms.

Whites, he noted, had no qualms about “undervaluing an entire race”. Blacks were excluded both from their histories, and from their understanding of how America had been made. Mr Franklin's intention was to weave the black experience back into the national story. Unlike many after him, he did not see “black history” as an independent discipline, and never taught a formal course in it. What he was doing was revising American history as a whole. His books, especially “From Slavery to Freedom” (1947), offered Americans their first complete view of themselves.

#### THOMAS JEFFERSON'S WINE

Militancy was not in his nature. He was too scrupulous a historian for that, and too courteous a man. Asked whether he hated the South, he would say, on the contrary, that he loved it. His deepest professional debt was to a white man, Ted Currier, who had inspired him to study history and had given him \$500 to see him through Harvard. Yet, alongside the dignity and the ready smiles, a sense of outrage burned. He longed to tell white tourists thronging Washington that the Capitol had been built by slaves, and that Pennsylvania Avenue had held a slave market, “right by where the Smithsonian is”. Profits made possible by enslaving blacks had not only allowed Thomas Jefferson to enjoy fine French wines: they had also underpinned America's banks, its economic dynamism and its dominance in the world. The exploitation of blacks was something he admitted he had “never got over”.

Nor had America got over it, despite the march from Selma, in which Mr Franklin led a posse of historians, and Brown v Board of Education, where he lent his scholarship to help prove that the Framers had not meant to impose segregation on the public schools. The “colour line”, as he called it, remained “the most tragic and persistent social problem” the country faced. His own many black firsts—president of the American Historical Association and the Southern Historical Association, membership of Washington's Cosmos Club—had not necessarily opened the door to others. The night before he received the Presidential Medal of Freedom in 1995, a woman at the Cosmos Club asked him to fetch her coat. He was overjoyed by Barack Obama's election, but could not forget the poor, immobile blacks revealed by Hurricane Katrina.

He yearned to improve things, but wondered how Financial reparations he was doubtful about; apologies seemed trifling. Only time, in historical quantities, seemed

likely to make a difference. For some months he was chairman of Bill Clinton's Initiative on Race, a disorganized effort that ended by recommending “community co-operation”. Hostile letters poured in, mostly from people who did not think the subject worth talking about. Mr Franklin took them in his stride. He would go and work on his next book, or retire to the greenhouse, implements in hand; and practise patience.

#### HONORING YOM HASHOAH, HOLOCAUST REMEMBRANCE DAY

Mr. REID. Madam President, today, Holocaust Remembrance Day, or Yom Hashoah in Hebrew, is a day to give us pause. Today, we remember the horrific events of over half a century ago, when more than 6 million Jewish men, women, and children were targeted and systematically murdered, along with countless other victims of Nazi persecution. Today, we honor their memories and renew our commitment to stand up against prejudice and hatred in all its forms.

In 1980, Congress passed legislation that would dedicate this week every year to Holocaust Remembrance, so that Americans all over our country could come together and pay tribute to those who perished, and to ensure their stories will never be forgotten. This same legislation created the U.S. Holocaust Memorial Museum, a building that now stands in our Nation's Capital as a center of Holocaust education and learning and a memorial to its victims. Today, the names of some of those who perished will be read aloud in the Museum's Hall of Remembrance, and on Thursday, Holocaust survivor and Nobel Laureate Elie Wiesel will join President Barack Obama and congressional leaders in a ceremony in the Capitol Rotunda.

Even now, so many decades later, we continue to uncover more stories of untold brutality and terror during the Holocaust, as work by the International Institute for Holocaust Research at the Yad Vashem Holocaust Museum exposes new evidence of Nazi genocide. These little-known cases are even more poignant today, as we consider the renewed struggle against anti-Semitism and continued denial by some of the State of Israel's very right to exist.

Next week, on April 29, we will celebrate 61 years since the establishment of Israeli independence, and 61 years of unwavering U.S.-Israeli friendship. Last year, I was proud to lead the Senate in adopting a bipartisan resolution to honor Israel in its achievement of 60 years of statehood, and its resilience as a stronghold of democratic principles and freedoms in a volatile region. Although Israel remains under constant siege from neighboring states and terrorist groups, its unwavering dedication to these ideals and its proud history of survival demonstrate that Israel will endure and it will do so with the United States standing firmly by its side.

Today, as we both remember those who perished in the Holocaust and look

toward the coming celebration of Israel's independence, let us reflect upon the imperative we face. Since the establishment of the term "genocide" in 1944, the terrible events in former Yugoslavia, Rwanda, and now ongoing in Sudan have taught us what will continue to happen when hatred and persecution go unchecked. The day of Yom Hashoah calls upon each one of us to work individually and collectively to rededicate ourselves to overcoming intolerance, and—perhaps just as important—indifference, wherever and whenever we encounter them.

To the vibrant Jewish community that calls our great state of Nevada home, I wish you a joyous celebration of the 61st anniversary of Israeli independence, and I look forward to many more years of productive friendship between the United States and Israel. And to all who gather today and all of this week to pay tribute to the victims and survivors of the Holocaust, let us join together in honoring their memories and pledging to take up our shared mission of remembrance and action.

Mr. NELSON of Florida. Madam President, I rise today for the solemn purpose of commemorating Holocaust Remembrance Day.

I just returned from an overseas visit with SENATORS LEVIN and COLLINS to examine missile defense issues in Russia, the Czech Republic, and Poland. In Poland, I visited the Warsaw Ghetto memorials, one of which was built on the location where the Jews were transported to the death camp at Treblinka, beginning in July 1942. I was moved by visiting that place. We saw another monument built to the heroes of the Warsaw Ghetto uprising. The death camps would not be liberated until 1945, but we remember this courageous struggle against overwhelming odds.

In America and throughout the world, Jews are observing this day in synagogues, reciting prayers. Young people listen to the testimonies of survivors who witnessed and were victims of the worst crimes committed by humankind, so that the Holocaust is not forgotten by future generations.

Florida has the largest number of Holocaust survivors in the entire country. These survivors remind us that the Holocaust was a tragedy of almost unimaginable proportions.

Today we remember those who lost their lives, not because of any crime they committed, but simply because of their faith and their heritage. And, though Jews were indeed the primary victims, we also remember the others who suffered persecution and were murdered by the Nazis: Gypsies and Poles, Jehovah's Witnesses, the handicapped, gays, political dissidents and Soviet prisoners of war.

In addition to marking this day, we in Congress are doing what we can to ensure that we never forget what happened during the Holocaust and that it never happens again.

Earlier this year, two of my distinguished colleagues, Senators COLLINS

and CARDIN, introduced an important resolution that I cosponsored, which condemns anti-Semitism in all its forms.

In respect for the victims of the Holocaust and surviving relatives, I will introduce a resolution on restitution or compensation for property and other assets seized by the Nazi and Communist regimes in postwar Europe, in anticipation of the International Conference on Holocaust Assets that will be held in Prague at the end of June. This conference is a followup to the International Conference that was held 10 years ago in Washington, which established the framework compensation programs that were established throughout western Europe during the past decade.

I would point out that we still must determine how to address the cases of the remaining Holocaust victims who have yet to be compensated for the unpaid value of insurance policies they held before the war. I would support legislation that actually helps survivors to obtain just compensation and avoid dragging out compensation efforts or giving false hope to survivors.

I will also be introducing the World War II War Crimes Accountability Act to encourage foreign governments to prosecute and extradite wanted criminals, and to bring them to justice.

Despite the efforts of the U.S. Government, particularly the Department of Justice, and of groups such as the Simon Wiesenthal Center, a number of perpetrators of crimes against humanity remain at large. What is worse, we know exactly where some of the individuals are living, but the countries where they reside refuse to extradite them to face justice.

We are in a race against time. Each year, more Holocaust survivors are laid to rest. Let us work together quickly to let them see a measure of justice done in their lifetime.

Finally, our Government has made solemn commitments in the past that the horror of the Holocaust will never be repeated. And yet we are all well aware of the grim stories of ethnic cleansing in the former Yugoslavia in the 1990s, the mass murder of Tutsis in Rwanda in 1994, and now the ongoing genocide in Darfur. America as a nation must be a leader on the world stage to prevent genocide.

I urge President Obama, Secretary of State Clinton and UN Ambassador Rice to continue the battle against ignorance, intolerance, and instability that seem to contribute to genocide, and to confront those governments that engage in genocide. And America must make every effort to ensure that those who commit these horrific crimes face justice.

#### RETIREMENT OF RABBI SOIFER

Mr. REID. Madam President, I rise today to recognize Rabbi Myra Soifer, who will retire on June 30, 2009, after 25 years of service to the congregation of

Temple Sinai in Reno, NV. Rabbi Soifer was one of the first ten women ordained as a rabbi after the Reform Jewish movement accepted them in 1972. A well accomplished scholar, she received her undergraduate degree from Lawrence University, her Masters in Hebrew Letters and ordination from Hebrew Union College in Cincinnati, Ohio, and graduate work at the Pacific School of Religion in Berkeley, CA, and the Leo Baeck College Rabbinical School in London, England.

Rabbi Soifer has enriched her community with her grasp of the Torah and its teachings. Under her guidance, Temple Sinai has grown into a vibrant religious community with an expanded religious school and an enlarged campus that can accommodate both the congregation's largest gatherings as well as community meetings.

Besides being a dedicated spiritual leader for her congregants, she has been a powerful voice for good in the community at large. Rabbi Soifer has been a fearless, driving force in bringing the greater faith community together around prayer, and to address moral and political issues. She led Temple Sinai to help organize the Northern Nevada interfaith response to the tragic events of 9/11. She has organized women in the faith community as the founder of the Reno Clergywomen's Association, and she created an interfaith clergy study group known as the "Study Buddies", which has been going strong for over 20 years. The community recognizes her as a passionate advocate for social justice, celebrating cultural and religious diversity, and caring for the underserved locally and globally.

Her accomplishments have been recognized in many ways over the years, as she has been the recipient of the Metropolitan Community Church's Human Rights Award; University of Nevada, Reno's Psychological Services Award; ACLU's Civil Libertarian of the Year; and Reno Magazine's "88 people to watch in '88" Award. Her reach in the community goes beyond the Temple's walls, having worked with the Washoe County School District, Nevada Coalition Against the Death Penalty, Witness For Peace, Reno/Sparks Metro Ministry, Community Coalition to End Hate and Violence, Northern Nevada AIDS Foundation, Planned Parenthood of Northern Nevada, Northern Nevada Black Cultural Awareness Society, and the Food Bank of Northern Nevada.

I join with Nevadans throughout the Silver State to honor Rabbi Myra Soifer for her lifetime dedication to her faith, her community, and the social justice of all people. She has indisputably made a tremendous impact which will endure in the institutions she has enriched.

#### LEGACY OF CHICAGO'S ARTURO VELASQUEZ, SR.

Mr. DURBIN. Madam President, at the start of the Great Depression, a

Mexican immigrant mother in Gary, IN, found herself with no job, no money and no food. So she did the only thing she could think of: She decided to pack up her young son and move back to Mexico, where they would at least have something to eat.

Fortunately for the city of Chicago, which I am honored to represent, the old Model T Ford they rode in overturned near Albuquerque, leaving them stranded without money.

The mother took a job as a farm worker and they began migrating between sugar beet fields in the Black Hills of South Dakota and tomato farms in Minnesota and Iowa.

Eventually, they landed in Chicago.

Over the next seven decades, that little boy, Arturo Velasquez, would become a civic treasure in Chicago: an entrepreneur, philanthropist, activist, advisor to Chicago's leaders, and patriarch of one of Chicago's leading Hispanic families.

Arturo Velasquez was dedicated to his family, his church, his business, and the city of Chicago, especially the Mexican American community on Chicago's South Side.

This past Friday, Mr. Velasquez passed on at the age of 93. But his influence will live on in the people he inspired, the lives he helped change, and the opportunities he helped create for so many.

Mr. Velasquez was a gracious man. He was also humble. He used to describe himself as a "jukebox operator."

In fact, he owned one of Chicago's largest music and game firms, Velasquez Automated Music Co, which he founded more than 70 years ago. It is run today by his son Ed and daughter Maria Elena.

In 1970, Mr. Velasquez helped another son, Art, found Azteca Foods, Inc; which supplies thousands of groceries and restaurants with tortillas and other food products.

He played a key role in the establishment of the Mexican American Chamber of Commerce, the Azteca Lions Club, the Illinois Federation of Mexican Americans and many other business and civic groups.

Formal education was a luxury for Mr. Velasquez, as it is for many children of migrant workers.

He attended 13 different grade schools and he never went to high school. But he was a strong advocate for education.

He was determined that all five of his children would graduate from college, and they did.

He also worked tirelessly for decades to provide other young people, especially Mexican Americans, with the educational opportunities he himself never received.

He served as a trustee for two colleges: the City Colleges of Chicago and National Louis University.

A year ago, Chicago City Colleges' West Side Technical Institute, which Mr. Velasquez supported strongly, was renamed in his honor.

Arturo Velasquez continues to help others, even now.

His family asks that anyone wishing to honor his memory donate to two causes that were important to him.

The first is the City Colleges of Chicago Foundation for Scholarships to the Arturo Velasquez West Side Technical Institute, a scholarship fund for Latinos in the 2-year technical education program who want to go on to 4-year colleges.

The second cause is Alivio Medical Center, near and dear to my heart, a community health center, founded by Mr. Velasquez's daughter Carmen, that provides free health care to thousands of Chicago families each year in the mostly Latino Pilsen, Little Village and Back of the Yards neighborhoods.

I cannot tell you how impressed I am with Carmen and her work at Alivio. The fact that her father inspired her and now wants to continue helping her, even in his passing, says a lot about the family.

Mr. Velasquez received many well-deserved accolades including an honorary doctorate for public service from St. Xavier University, and the Ohtl Award from the Mexican government, the highest award to a Mexican who lives outside that country.

And in 2002, he was honored by the Chicago Historical Society with its Making History Award.

But what meant most to Mr. Velasquez was his family.

He and his wife Shirley were married for 72 years. They were blessed with five children, 11 grandchildren and 19 great-grandchildren.

As a young father, Mr. Velasquez dreamed of being able to provide his family with a home of their own.

It took a while. He bought an empty lot at 72nd Street and St. Louis Avenue in 1945. But he did not build a house on it until 1950.

Mrs. Velasquez once told a reporter, "Every Sunday he would take the kids to the empty lot. He'd tell them, 'Go jump on it. It's yours.' And I'd say, 'Can't you think of any other place to go?'"

In 1959, Mr. Velasquez covered the White Sox for a Spanish-language newspaper. That year, the Sox won their first division pennant in 40 years, only to lose the World Series to the Los Angeles Dodgers.

In 2005, he saw his great-grandson Willy throw out the first pitch during Game 2 of the division series.

He had tickets to every game of the playoffs.

And he saw his beloved White Sox, at last, win the World Series, another dream come true for a man who made the dreams of so many others possible.

I want to express my deep condolences to his wife Shirley, their children, Art, Raymond, Carmen, Maria Elena and Edward, and their grandchildren and great-grandchildren.

Arturo Velasquez was a gracious and generous man and a true community leader. He will be greatly missed.

## HONORING OUR ARMED FORCES

Mrs. BOXER. Madam President, today I rise to pay tribute to 11 young Americans who have been killed in Iraq since November 19. This brings to 870 the number of servicemembers either from California or based in California that have been killed while serving our country in Iraq. This represents 20 percent of all U.S. deaths in Iraq.

GySgt Marcelo R. Velasco, 40, of Miami, FL, died November 19 from injuries sustained in a non-hostile incident in Anbar province, Iraq. Gunnery Sergeant Velasco was assigned to I Marine Expeditionary Force Headquarters Group, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Robert L. Johnson, 21, of Central Point, OR, died December 20 as a result of a nonhostile incident in Anbar province, Iraq. Lance Corporal Johnson was assigned to the 5th Combat Logistics Battalion, 1st Combat Logistics Regiment, 1st Marine Logistics Group, Camp Pendleton, CA.

SPC Tony J. Gonzales, 20, of Newman, CA, died December 28 in Sadr City, Iraq, when an improvised explosive device detonated near his vehicle. Specialist Gonzales was assigned to the 1st Battalion, 6th Infantry Regiment, 2nd Brigade, 1st Armored Division, Baumholder, Germany.

PFC Benjamin B. Tollefson, 22, of Concord, CA, died December 31 in Balad, Iraq, of wounds suffered when insurgents attacked his unit with indirect fire in Ghazaliya. Private First Class Tollefson was assigned to the Special Troops Battalion, 2nd Heavy Brigade Combat Team, 1st Infantry Division, Fort Riley, KS.

PFC Grant A. Cotting, 19, of Corona, CA, died January 24 in Kut, Iraq, of injuries sustained from a noncombat related incident. Private First Class Cotting was assigned to the 515th Sapper Company, 5th Engineer Battalion, 4th Maneuver Enhancement Brigade, Fort Leonard Wood, MO.

SSG Sean D. Diamond, 41, of Dublin, CA, died February 15 in As Salam, Iraq, when an improvised explosive device detonated near his vehicle. Staff Sergeant Diamond was assigned to the 610th Engineer Support Company, 14th Engineer Battalion, 555th Engineer Brigade, Fort Lewis, WA.

1LT Daniel B. Hyde, 24, of Modesto, CA, died March 7 in Samarra, Iraq, of wounds sustained in Tikrit when an explosive device struck his unit vehicle. First Lieutenant Hyde was assigned to the 2nd Battalion, 35th Infantry Regiment, 3rd Brigade Combat Team, 25th Infantry Division, Schofield Barracks, HI.

PFC Bryce E. Gautier, 22, of Cypress, CA, died April 10 when his military vehicle was struck by a suicide vehicle-borne improvised explosive device in Mosul, Iraq. Private First Class Gautier was assigned to the 1st Battalion, 67th Armor Regiment, 2nd Brigade Combat Team, 4th Infantry Division, Fort Carson, CO.

SFC Bryan E. Hall, 32, of Elk Grove, CA, died April 10 when his military vehicle was struck by a suicide vehicle-borne improvised explosive device in Mosul, Iraq. Sergeant First Class Hall was assigned to the 1st Battalion, 67th Armor Regiment, 2nd Brigade Combat Team, 4th Infantry Division, Fort Carson, CO.

SGT Raul Moncada, 29, of Madera, CA, died April 13 near Baghdad, Iraq, of wounds sustained when an explosive device detonated near his vehicle. Sergeant Moncada was assigned to the 563rd Military Police Company, 91st Military Police Battalion, 10th Sustainment Brigade, 10th Mountain Division, Light Infantry, Fort Drum, NY.

LCpl Ray A. Spencer II, 20, of Ridgecrest, CA, died April 16 as a result of a non-hostile incident in Anbar province, Iraq. Lance Corporal Spencer was assigned to 3rd Battalion, 3rd Marine Regiment, 3rd Marine Division, Kaneohe Bay, HI.

I would also like to pay tribute to the four soldiers from CA who have died while serving our country in Operation Enduring Freedom since November 19.

SSG Joshua R. Townsend, 30, of Solvang, CA, died January 16 in Tarin Kowt, Afghanistan, of injuries sustained in a noncombat related incident. Staff Sergeant Townsend was assigned to the 1st Battalion, 7th Special Forces Group, Airborne, Fort Bragg, NC.

SSgt Daniel L. Hansen, 24, of Tracy, CA, died February 14 while supporting combat operations in Farah province, Afghanistan. Staff Sergeant Hansen was assigned to Marine Wing Support Squadron 171, Marine Wing Support Group 17, 1st Marine Air Wing, III Marine Expeditionary Force, Iwakuni, Japan.

LT Florence B. Choe, 35, of El Cajon, CA, died March 27 when an insurgent posing as an Afghan National Army soldier opened fire on personnel assigned to Combined Security Transition Command—Afghanistan at Camp Shaheen, Mazar-E-Sharif, Afghanistan.

A1C Jacob I. Ramsey, 20, of Hesperia, CA, died April 10 of injuries sustained from a noncombat related incident in Kabul, Afghanistan. Airman First Class Ramsey was assigned to the 712th Air Support Operations Squadron, Fort Hood, TX.

#### CORPORAL MICHEAL B. ALLEMAN

Mr. HATCH. Madam President, I rise today to pay tribute to CPL Micheal B. Alleman of Logan, UT. Corporal Alleman died in the service to our country on February 23, 2009, of wounds suffered when insurgents attacked his unit using small arms in Iraq's Diyala Province. He was 32 years old and is survived by his parents Boyd and Susan Alleman, his wife Amy, and their two sons Kai and Kennet.

Corporal Alleman served in the 5th Squadron, 1st Cavalry Regiment, 1st Stryker Brigade Combat Team, 25th Infantry Division, Fort Wainwright, AK.

Two years ago, Micheal Alleman decided to put his teaching career on hold to enlist in the U.S. Army. When he explained this decision to his fifth grade class at Nibley Elementary School, he said he wanted to be like the Nation's first President, who left his career as a Virginia planter to take up arms against the British monarchy. He said that George Washington was his hero.

I am proud to talk about another American hero today, CPL Micheal Alleman. He defines what makes our Nation great. With absolute surety, he exhibited a devotion to duty and sense of purpose that transcends personal comfort and desire. Corporal Alleman heard his country's call to duty and in that service he gave his last full measure of devotion. He gave his life so we can continue to remain safe and free each day.

As I read accounts from his family and friends, it was readily apparent he was a tremendously selfless and caring man. He was described as a man who deeply loved his family and cared about those around him. His family would bend over backward for anyone. It is no wonder he so readily decided to serve this Nation.

Let us not forget the sacrifice of CPL Micheal Alleman. His service should inspire everyone in this Chamber. I thank him for his service and pray for his family and friends during this tremendously difficult time. His wife Amy stated, "My boys will always know their father stood up to defend this country." Well, so shall we also remember and cherish the memory of his service.

#### TREATMENT OF DETAINEES IN U.S. CUSTODY

Mr. LEVIN. Madam President, today we are releasing the declassified report of the Senate Armed Services Committee's investigation into the treatment of detainees in U.S. custody. The report was approved by the committee on November 20, 2008, and has, in the intervening period, been under review at the Department of Defense for declassification.

In my judgment, the report represents a condemnation of both the Bush administration's interrogation policies and of senior administration officials who attempted to shift the blame for abuse—such as that seen at Abu Ghraib, Guantanamo Bay, and Afghanistan—to low ranking soldiers. Claims, such as that made by former Deputy Secretary of Defense Paul Wolfowitz that detainee abuses could be chalked up to the unauthorized acts of a "few bad apples," were simply false.

The truth is that, early on, it was senior civilian leaders who set the tone. On September 16, 2001, Vice President Dick Cheney suggested that the United States turn to the "dark side" in our response to 9/11. Not long after that, after White House Counsel Alberto Gonzales called parts of the

Geneva Conventions "quaint," President Bush determined that provisions of the Geneva Conventions did not apply to certain detainees. Other senior officials followed the President and Vice President's lead, authorizing policies that included harsh and abusive interrogation techniques.

The record established by the committee's investigation shows that senior officials sought out information on, were aware of training in, and authorized the use of abusive interrogation techniques. Those senior officials bear significant responsibility for creating the legal and operational framework for the abuses. As the committee report concluded, authorizations of aggressive interrogation techniques by senior officials resulted in abuse and conveyed the message that physical pressures and degradation were appropriate treatment for detainees in U.S. military custody.

In a May 10, 2007, letter to his troops, GEN David Petraeus said that "what sets us apart from our enemies in this fight . . . is how we behave. In everything we do, we must observe the standards and values that dictate that we treat noncombatants and detainees with dignity and respect. While we are warriors, we are also all human beings." With last week's release of the Department of Justice Office of Legal Counsel, OLC, opinions, it is now widely known that Bush administration officials distorted Survival Evasion Resistance and Escape "SERE" training—a legitimate program used by the military to train our troops to resist abusive enemy interrogations—by authorizing abusive techniques from SERE for use in detainee interrogations. Those decisions conveyed the message that abusive treatment was appropriate for detainees in U.S. custody. They were also an affront to the values articulated by General Petraeus.

In SERE training, U.S. troops are briefly exposed, in a highly controlled setting, to abusive interrogation techniques used by enemies that refuse to follow the Geneva Conventions. The techniques are based on tactics used by Chinese Communists against American soldiers during the Korean war for the purpose of eliciting false confessions for propaganda purposes. Techniques used in SERE training include stripping trainees of their clothing, placing them in stress positions, putting hoods over their heads, subjecting them to face and body slaps, depriving them of sleep, throwing them up against a wall, confining them in a small box, treating them like animals, subjecting them to loud music and flashing lights, and exposing them to extreme temperatures. Until recently, the Navy SERE school also used waterboarding. The purpose of the SERE program is to provide U.S. troops who might be captured a taste of the treatment they might face so that they might have a better chance of surviving captivity and resisting abusive and coercive interrogations.

SERE training techniques were never intended to be used in the interrogation of detainees in U.S. custody. The committee's report, however, reveals troubling new details of how SERE techniques came to be used in interrogations of detainees in U.S. custody.

The committee's investigation uncovered new details about the influence of SERE techniques on military interrogations at Guantanamo Bay, Cuba—GTMO. According to newly released testimony from a military behavioral scientist who worked with interrogators at GTMO, "By early October [2002] there was increasing pressure to get 'tougher' with detainee interrogations" at GTMO. (p. 50). As a result, on October 2, 2002, 2 weeks after attending interrogation training led by SERE instructors from the Joint Personnel Recovery Agency, JPRA, the DOD agency that oversees SERE training, the behavioral scientist and a colleague drafted a memo proposing the use of aggressive interrogation techniques at GTMO. The behavioral scientist said he was told by GTMO's intelligence chief that the interrogation memo needed to contain coercive techniques or it "wasn't going to go very far." (p. 50). Declassified excerpts from that memo indicate that it included stress positions, food deprivation, forced grooming, hooding, removal of clothing, exposure to cold weather or water, and scenarios designed to convince a detainee that "he might experience a painful or fatal outcome." On October 11, 2002, MG Michael Dunlavey, the Commander of JTF-170 at GTMO, requested authority to use aggressive techniques. Major General Dunlavey's request was based on the memo produced by the behavioral scientists.

Major General Dunlavey's request eventually made its way to Department of Defense, DoD, General Counsel Jim Haynes' desk. Notwithstanding serious legal concerns raised by the military service lawyers, Haynes recommended that Secretary of Defense Donald Rumsfeld approve 15 of the interrogation techniques requested by GTMO. On December 2, 2002, Secretary Rumsfeld approved Haynes' recommendation, authorizing such techniques as stress positions, removal of clothing, use of phobias—such as fear of dogs—and deprivation of light and auditory stimuli.

The committee's investigation revealed that, following Secretary Rumsfeld's authorization, senior staff at GTMO drafted a standard operating procedure—SOP—for the use of SERE techniques, including stress positions, forcibly stripping detainees, slapping, and "walling" them. That SOP stated that "The premise behind this is that the interrogation tactics used at U.S. military SERE schools are appropriate for use in real-world interrogations." Weeks later, in January 2003, trainers from the Navy SERE school travelled to GTMO and provided training to interrogators on the use of SERE techniques on detainees. (pp. 98–104).

The influence of Secretary Rumsfeld's December 2, 2002, authorization was not limited to interrogations at GTMO. Newly declassified excerpts from a January 11, 2003, legal review by a special mission unit, SMU, Task Force lawyer in Afghanistan state that "SECDEF's approval of these techniques provides us the most persuasive argument for use of 'advanced techniques' as we capture possible [high value targets] . . . the fact that SECDEF approved the use of the . . . techniques at GTMO, [which is] subject to the same laws, provides an analogy and basis for use of these techniques [in accordance with] international and U.S. law." (p. 154).

The committee's report also includes a summary of a July 15, 2004, interview with CENTCOM's then-Deputy Staff Judge Advocate, SJA, about Secretary Rumsfeld's authorization and its impact in Afghanistan. The Deputy SJA said: "the methodologies approved for GTMO would appear to me to be legal interrogation processes. [The Secretary of Defense] had approved them. The General Counsel had approved them . . . I believe it is fair to say the procedures approved for Guantanamo were legal for Afghanistan." (p. 156).

The committee's report provides extensive details about how the aggressive techniques made their way from Afghanistan to Iraq. In February 2003, an SMU Task Force designated for operations in Iraq obtained a copy of the SMU interrogation policy from Afghanistan that included aggressive techniques, changed the letterhead, and adopted the policy verbatim. (p. 158). Months later, the Interrogation Officer in Charge at Abu Ghraib obtained a copy of the SMU interrogation policy and submitted it, virtually unchanged, through her chain of command to Combined Joint Task Force 7—CJTF-7—led at the time by Lieutenant General Ricardo Sanchez. On September 14, 2003, Lieutenant General Sanchez issued an interrogation policy for CJTF-7 that authorized interrogators to use stress positions, environmental manipulation, sleep management, and military working dogs to exploit detainees' fears in their interrogations of detainees.

The committee's investigation uncovered documents indicating that, almost immediately after Lieutenant General Sanchez issued his September 14, 2003, policy, CENTCOM lawyers raised concerns about its legality. One newly declassified email from a CENTCOM lawyer to the Staff Judge Advocate at CJTF-7—sent just three days after the policy was issued—warned that "Many of the techniques [in the CJTF-7 policy] appear to violate [Geneva Convention] III and IV and should not be used . . ." (p. 203). Even though the Bush administration acknowledged that the Geneva Conventions applied in Iraq, it was not until nearly a month later that CJTF-7 revised that policy.

Not only did SERE techniques make their way to Iraq, but SERE instruc-

tors did as well. In September 2003, JPRA sent a team to Iraq to provide assistance to interrogation operations at an SMU Task Force. The Chief of Human Intelligence and Counterintelligence at the Task Force testified to the Committee in February 2008 that JPRA personnel demonstrated SERE techniques to SMU personnel including so-called "walling" and striking a detainee as they do in SERE school. (p. 175). As we heard at our September 2008 hearing, JPRA personnel were present during abusive interrogations during that same trip, including one where a detainee was placed on his knees in a stress position and was repeatedly slapped by an interrogator. (p. 176). JPRA personnel even participated in an interrogation, taking physical control of a detainee, forcibly stripping him naked, and giving orders for him to be kept in a stress position for 12 hours. In August 3, 2007, testimony to the committee, one of the JPRA team members said that, with respect to stripping the detainee, "we [had] done this 100 times, 1000 times with our [SERE school] students." The committee's investigation revealed that forced nudity continued to be used in interrogations at the SMU Task Force for months after the JPRA visit. (pp. 181–182).

Over the course of the investigation, the committee obtained the statements and interviews of scores of military personnel at Abu Ghraib. These statements reveal that the interrogation techniques authorized by Secretary Rumsfeld in December 2002 for use at GTMO—including stress positions, forced nudity, and military working dogs—were used by military intelligence personnel responsible for interrogations.

The Interrogation Officer in Charge in Abu Ghraib in the fall of 2003 acknowledged that stress positions were used in interrogations at Abu Ghraib. (p. 212).

An Army dog handler at Abu Ghraib told military investigators in February 2004 that "someone from [military intelligence] gave me a list of cells, for me to go see, and pretty much have my dog bark at them. . . . Having the dogs bark at detainees was psychologically breaking them down for interrogation purposes." (p. 209).

An intelligence analyst at Abu Ghraib told military investigators in May 2004 that it was "common that the detainees on [military intelligence] hold in the hard site were initially kept naked and given clothing as an incentive to cooperate with us." (p. 212).

An interrogator told military investigators in May 2004 that it was "common to see detainees in cells without clothes or naked" and says it was "one of our approaches." (p. 213).

The investigation also revealed that interrogation policies authorizing aggressive techniques were approved months after the CJTF-7 policy was revised to exclude the techniques, and

even after the investigation into detainee abuses at Abu Ghraib had already begun. For example, an interrogation policy approved in February 2004 in Iraq included techniques such as use of military working dogs and stress positions. (p. 220).

A policy approved for CJTF-7 units in Iraq in March 2004 also included aggressive techniques. While much of the March 2004 policy remains classified, newly declassified excerpts indicate that it warned that interrogators "should consider the fact that some interrogation techniques are viewed as inhumane or otherwise inconsistent with international law before applying each technique. These techniques are labeled with a [CAUTION]." Among the techniques labeled as such were a technique involving power tools, stress positions, and the presence of military working dogs. (pp. 220-221).

Some have asked why, if it is okay for our own U.S. personnel to be subjected to physical and psychological pressures in SERE school, what is wrong with using those SERE training techniques on detainees? The committee's investigation answered that question.

On October 2, 2002, LTC Morgan Banks, the senior Army SERE psychologist warned against using SERE training techniques during interrogations in an email to personnel at GTMO, writing that:

[T]he use of physical pressures brings with it a large number of potential negative side effects . . . When individuals are gradually exposed to increasing levels of discomfort, it is more common for them to resist harder . . . If individuals are put under enough discomfort, i.e. pain, they will eventually do whatever it takes to stop the pain. This will increase the amount of information they tell the interrogator, but it does not mean the information is accurate. In fact, it usually decreases the reliability of the information because the person will say whatever he believes will stop the pain . . . Bottom line: the likelihood that the use of physical pressures will increase the delivery of accurate information from a detainee is very low. The likelihood that the use of physical pressures will increase the level of resistance in a detainee is very high . . . (p. 53).

Likewise, the Deputy Commander of DOD's Criminal Investigative Task Force at GTMO told the committee in 2006 that CITF "was troubled with the rationale that techniques used to harden resistance to interrogations would be the basis for the utilization of techniques to obtain information." (p. 69).

Other newly declassified emails reveal additional warnings. In June 2004, after many SERE techniques had been authorized in interrogations and JPRA was considering sending its SERE trainers to interrogation facilities in Afghanistan, another SERE psychologist warned: "[W]e need to really stress the difference between what instructors do at SERE school (done to INCREASE RESISTANCE capability in students) versus what is taught at interrogator school (done to gather information). What is done by SERE in-

structors is by definition ineffective interrogator conduct . . . Simply stated, SERE school does not train you on how to interrogate, and things you 'learn' there by osmosis about interrogation are probably wrong if copied by interrogators." (p. 229).

If we are to retain our status as a leader in the world, we must acknowledge and confront the abuse of detainees in our custody. The committee's report and investigation makes significant progress toward that goal. There is still the question, however, of whether high level officials who approved and authorized those policies should be held accountable. I have recommended to Attorney General Holder that he select a distinguished individual or individuals—either inside or outside the Justice Department, such as retired federal judges—to look at the volumes of evidence relating to treatment of detainees, including evidence in the Senate Armed Services Committee's report, and to recommend what steps, if any, should be taken to establish accountability of high-level officials—including lawyers.

#### TRIBUTE TO LINDSEY JEWELL

Ms. SNOWE. Madam President, I rise today to recognize the 5 years of outstanding service that Lindsey Jewell has provided to me in various capacities in both my personal office, and on the Senate Committee on Small Business and Entrepreneurship, of which I am ranking member. Ever since Lindsey began working in my office in 2004, I have been consistently impressed with her dedication, professionalism, and hard work, and I am sad to see her leave the Senate.

While still a student at the University of Maine Orono, my alma mater, Lindsey began her Senate career as an intern in my Washington office and thereafter as a staff assistant in my Bangor office. There, she served as a key liaison between my office and Maine constituents, assisting them in solving their problems and concerns with the Federal Government. Lindsey's work on behalf of Mainers proved to be her true passion, and after graduating in 2005 with a B.A. in political science, she came back to Washington, DC, to join my staff here.

Upon arriving in Washington, Lindsey hit the ground running as a legislative correspondent, handling a hefty portfolio of issues ranging from taxes, budget, and banking to agriculture, immigration, and foreign affairs. Lindsey's stellar stand-out performance in dealing with these issues led to her earning a promotion to Director of Constituent Correspondence in 2006. In this role, she oversaw all of my office's legislative correspondents, helping me ensure that mail was responded to in a thoughtful and timely manner. Through this position, Lindsey gained immense experience dealing with a vast array of issues the Senate faces. She also proved to be a

capable, talented, and amicable leader, who was a tremendous supervisor.

During the summer of 2007, Lindsey left my personal office and moved three floors up in the Russell Building to serve as Senior Research Analyst on the Senate Committee on Small Business and Entrepreneurship. As ranking member of that committee, I continued to benefit from Lindsey's wisdom and insight. That said, her departure certainly left a large void in my personal office. As Lindsey continued to provide me with detailed and thorough materials on a range of small business issues, she once again earned a well-deserved promotion to Professional Staff Member early in 2008. In that capacity, Lindsey advised the committee on matters relating to women-owned businesses, small business energy concerns, entrepreneurial development programs, and military base redevelopment initiatives.

Lindsey was instrumental in my recently introducing the Defense Communities Assistance Act of 2009, a key bill aimed at providing immediate economic development benefits to all base communities, for both closed and active military installations across the country. Additionally, Lindsey helped me prepare an amendment to the fiscal year 2010 budget resolution to ensure that small businesses receive adequate funding under the Energy Star program. Lindsey's versatile nature and willingness to assist her colleagues in any way possible led to her drafting statements and press releases for a variety of committee hearings, bill introductions, and small business events, covering a host of issues.

Lindsey's sense of humor and easy-goingness make her instantly likeable. But more crucially, her responsible nature and advanced analytical skills make her indispensable to anyone she is working for. And Lindsey is a true team player, never considering any task beneath her. Indeed, she was a key member of my office's softball team this past summer, someone equally feared and respected by opponents!

That is why I am deeply saddened that Lindsey will be leaving us this week. But I am thrilled for Lindsey's future, as she will be marrying her long-term boyfriend, Patrick Hughes, in just a few weeks in Portland, ME. Pat, a Marine officer, and Lindsey will be moving to the San Diego area shortly thereafter, where Pat will be stationed at Camp Pendleton. I wish them both the best in married life, and hope that they enjoy the beautiful California sunshine!

A native born Mainer, Lindsey Jewell is an incredibly talented person. Coming from hard-working, community-oriented roots in the Aroostook county town of Monticello in northern Maine, Lindsey displays the classic values of our State: solidly dependable, intellectually curious, and immensely industrious. I am proud to have had someone like Lindsey on my staff, and even prouder to have gotten to know her



over the past several years. Her sincerity, thoughtfulness, creativity, and consideration of others will be sorely missed. Lindsey, thank you for your service to Maine and America, and best wishes for your bright future.

#### IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Madam President, In mid-JUNE, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heart-breaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I own a small construction business and, on the surface, high prices do hurt my bottom line; however, that is not such a bad thing. I have always been conscious about my personal and worldwide energy use, but the fast rate of price increase has made me even more, especially about my driving. My driving efficiency has increased, and my total mileage for the year has decreased several thousands of miles. This is a good thing especially when I consider that everybody I am talking to is thinking the same way. Statistics say Americans are driving less; that is a good thing. It is good the people get humbled and remember that every bit of energy and every material object we use was made in the natural world and refined using human intelligence; there are no freebies.

Americans need to plan a future without oil for energy. For some reason, it is taboo to mention solar energy and subsidy in the same sentence. Solar is the best hope for continuous energy yet nobody wants to subsidize the fledgling industry. Farmers and ethanol are subsidized, though they hate to admit it; the coming second nuclear program will be fully subsidized though they attempt to account around it. Even the fossil fuel industry is subsidized, among other ways, by being protected by the U.S. military. (Oil has caused all the havoc in the Middle East, so Iraq and Afghanistan and all the other military deployments acts of security for big oil). Hundreds of billions go to these fruitlessly revolving enterprises. Let us pay to get a nationwide solar plan fully off the ground. Imagine if every single house south facing roof was solar panels and all flat topped roofs were solar panels, we could power the entire country without having to build another structure. Subsidize and organize turning the entire fleet of cars over to

solar/battery/electric cars. It would work. Ethanol is a joke, nuclear is a waste, wind is like putting high rise buildings far into the countryside, coal and gas and hydro could be back up to solar; to even the load.

PIKE, *Nampa*.

Our family has been working to get out of debt and have breathing room to finally start saving for retirement; but with the price of fuel going up daily, there is no way. In fact we are sinking deeper in debt. We have to really struggle with going to watch the grandchildren play ball or buy groceries. We both have to drive quite a distance to our work each week and now feel trapped. We love our home, but cannot afford the commute, but with the housing market and fuel costs, we cannot sell either! So we are still forced to commute, going straight to where we stay when we go down for our work and then our jobs and back again.

We have always been a nation of integrity, of a backbone, fueled by necessity. If our government will get out of the way and let her people do what we need to do to be self-sufficient again, we will all be better off. It is so sad that so many people think the only way we can make it is if government controls, but when government controls we lose as is shown by the dropping dollar and high fuel prices. We have our own fuel and our own ingenuity, let us use it and refine it.

NANCY.

You may not want my input on the high energy prices, because I see a lot of good coming from them. For one thing, the air is a lot cleaner. Also, I would assume there are fewer car accidents/deaths due to fewer cars on the roads. People are improving their health because they are out there walking, bicycling, etc. And I see them reaching out to help one another. It is also forcing people to be more creative in the ways that they are dealing with the higher price of products/food. They are asking themselves, is it something they want or do they actually need it. They are fixing up the things they have instead of throwing them away and filling up the landfill. To me, I see the high energy prices as a change of direction. A good change of direction.

As for all the money that is being accumulated, I think it would be best used on developing alternate forms of energy—wind, solar etc. Drilling for more oil is just going to extend the inevitable. The oil is going to run out and, while we are waiting for it to run out, we will continue to destroy the planet and ourselves.

KATHLEEN.

Thank you for asking for my experience with the recent rapid rise in gasoline/energy prices. My husband and I are in our mid-fifties, and remember the first "energy crisis" in the mid 1970s when fuel prices more than doubled but were still way below one dollar. I purchased my first car during that time—a Toyota Corolla that got 36 mpg. My husband reserved his Dodge van which had much lower mileage for only special needs trips; then he purchased a Ford small truck (made by Mazda) which got 35 mpg. It travelled anywhere in Montana the big 4 wheel drives did with some weight in the bed in winter. We have only driven fuel efficient vehicles since, except for the special trip farm/plow vehicles.

At this time I drive 36 miles round trip from our rural home to work at IDL in Sandpoint. The 2000 Honda CRV gets 29 mpg with windows down and 27 mpg with windows up and internal fan using heat or AC. I find I fill up every 10 days (extra errands after work) and am spending perhaps an extra \$1/day on gas. Not a big deal.

My husband has telecommuted for his job as an electrical engineer for the last 13 years so he rarely drives his extremely fuel-efficient Honda Fit—a perfect commuter vehicle for one person at 35+mpg. The little Kubota tractor runs on diesel and uses perhaps 10 gallons per summer season. We can absorb that. Our house is fully electric and electric rates have stayed the same. Food at the grocery store has been increasing for a year or two so we eat smarter and raise our own meat.

By learning the lesson of the 1970s, we are not victim to the fluctuations of the fossil fuel markets or contributing greatly to the damages which result. Opening fragile and deteriorating ecosystems to offshore drilling will not bring down fuel prices—people are going to get used to them anyway, as they always have. There are still plenty of large expensive SUVs on the roads in Sandpoint.

If the country, led by Congress, would focus on funneling money to alternative fuels and technologies to get off this destructive bandwagon of the oil companies everyone could be better off. Think about it and please start being a constructive leader.

JAN.

The energy crisis is hitting us like almost everyone in Idaho. It is not bad enough that we are paying outrageous prices at the pump but we are also paying nearly twice what we were this time last year at the grocery store. In Idaho we do not have mass transit to utilize so we are stuck paying for the gas at the pump.

I did have one idea to help Idaho rely less on oil for power. My husband works at the INL and we have seen the negative publicity about nuclear power. The Federal Government owns all that land, as I understand it is about the size of Rhode Island. Why not put wind mills up out there? That would be free power after paying for the wind mills. There is probably enough area for wind mills that they could power the entire state of Idaho without the use of water or oil. You could most likely find some kind of federal grant to help fund the wind mills. It is just one idea for you to consider.

GAYLE.

I find it absolutely ridiculous that we cannot drill for oil within the United States. I find it insane that we are dependent on foreign sources. I find it ludicrous that Congress refuses to do anything about the issue. I drive forty miles to and from work each day. It is not much, but it adds up quickly at \$4.00+ a gallon. I cannot even pay at the pump anymore, because the \$75 limit on my credit card will not fill my tank. I fully support the Drill Here, Drill Now, Pay Less campaign. Please support any legislation that increases our energy independence and gets the price down!

DANN, *Rigby*.

This last school year 07-08 I lived in Twin Falls and attended the College of Southern Idaho. We had four girls living in our apartment. The first semester two of us had vehicles and two of my roommates received help from their parents. In January, those two roommates moved out and the two that moved in did not receive financial help from their parents either. Because of rising fuel costs we mostly walked to campus even when it was cold because we could not afford gas (campus is a good 25-35 minute walk one way). And when we did go somewhere like to the grocery store we car pooled. We only ate out if it was a special occasion but even then most of the time we had large dinner parties at our apt and we had every one bring something. But we made it! However with the rising cost of everything, partially due to the

rise in energy cost, this next year will be even harder. Yes, we could take out student loans for more than just tuition and books but having large amounts of borrowed money with no guaranteed way to pay it back is scary!

On another note, my parents now live in Las Vegas, and I have been here visiting for about a month and a half. My father, who is now 57, has worked hard all his life for our family. Now he works even harder. He gets up every morning to leave the house by 5 a.m. so he can walk 15 minutes to catch the bus and then walk for another 20 minutes to be at work by 6:30 a.m. so he can save a much-needed \$200 a month in gas. It takes him at least 1.5 hours longer each day to get to and from work, that is, if the bus is not so full that he could catch the first one home and would not have to wait for the next one or the next one. He owns two older vehicles that are diesel. When he bought them, diesel was cheaper than gas and they both get 17–18 miles to the gallon. They got the best mileage of SUVs and Trucks. However, even though they are paid for and worth a bit of money, there is no longer a market for vehicles like that so he cannot sell them for close to what they are worth and so he cannot afford to buy another vehicle with better gas mileage.

In my personal opinion, the United States government may not be able to make energy cost go down but I feel that they could make them more secure. The U.S. relies largely on oil and gas from other countries. Most of those countries are in some of the most unstable parts of the world, meaning our energy supply is unstable. We need to bring it home. Yes, there are countries such as Qatar that are stable and I think we should still support them. However, for example, places such as off the coast of Nigeria (Shell and U.S.-based Chevron have had problems due to lack of stability in the region) are not only unstable for reliance of supply but are unstable for the environment. Even if energy cost will not subside, most likely the stability of supply and price would increase and the environment would be better off over all if we were more self-reliant.

EMILY, *Twin Falls.*

My wife, Michelle, and I send our heart-felt thanks for your principled stand for sound energy policy based on factual data and reality as opposed to the potentially catastrophic positions taken by the Democrat party in Congress, and its leadership.

We are solidly in favor of developing our own oil, coal and natural gas resources to reduce or eliminate our dependency on often hostile, foreign sources for the oil our economy requires. We also support an aggressive nuclear power program, and federal assistance to the nuclear power industry in preventing the array of anti-nuclear, anti-power, anti-development and anti-capitalist groups and their attorneys—as well as the dozens of federal environmental agencies—from endlessly delaying or preventing nuclear power facility construction progress.

We agree that alternative energy sources need to be developed by the private sector with as little federal interference as possible, but believe it is misguided to suggest that the oil industry should be spending their capital for R&D into alternative “fuels”. It seems to us that actions to force the oil industry to do so is the equivalent of federally mandating a private industry to incorporate a profound conflict of interest into their business plan. Logic indicates that such a federal action would drive the oil industry to raise product prices to allow their ongoing oil product R&D activities to continue, while pursuing an alternative fuel R&D program for which the industry and its shareholders

would have little, if any, business interest in advancing.

The X-Prize type concept Senator McCain recently mentioned to encourage R&D to produce a new super battery for powering vehicles is a concept I have had and shared frequently for several years, although I question why the Senator's focus was narrowed only to one type of energy, rather than offering the prize for the first “vehicle” to meet defined safety, performance, capability and efficiency standards and allow the private competitors to pursue hydrogen fuel-cell technology, compressed air and steam technologies, advanced internal combustion engine technologies, even micro-nuclear technologies or any combination of technologies, rather than only electrical battery technologies. (Batteries for electric cars might be a practical idea in some applications, but it is doubtful if such R&D would benefit the oil burning aviation or shipping industries.)

Anyway, we wanted to thank you for being a clear voice for logical solutions to oil supply, and for having the courage to stand against the knee-jerk reactionaries who are intent on convincing the American public that industry greed, rather than governmental interference, has caused the current spikes and the price in oil-based consumer products.

STEVE and MICHELLE, *Melba.*

What we really need to do to help our state and our country is to drill, explore, experiment, expand, and adapt. Drill more oil, explore more options for energy, and experiment with new technology to make our state and our country more independent and healthier. Our country needs to expand our public transportation system and make it easier to use. That is the biggest complaint about public transit. Finally, our whole country needs to adapt and realize that this is not the 60s, 70s, 80s or 90s anymore. The economy is different. If we can do this appropriately, then not only do we create jobs, but then we can say we did it without foreign interference.

I am a big supporter of the SUV. But yesterday, I did the hardest thing I could do. I turned in my SUV to the car lot I purchased it from and am now riding the bus system in Boise. It is not the most convenient since you have to make multiple stops and sometimes go a little out of the way to get where you are going, but for the price of two dollars a day, it is worth it. I take two buses in the morning and walk a mile to get to work every day. Every afternoon I walk a mile and take two buses. I am a mom who manages to get it done. It just takes commitment and help from our legislature to get the nation going in the right direction.

SHASTA, *Boise.*

#### ADDITIONAL STATEMENTS

##### 25TH ANNIVERSARY OF THE LAND CONSERVANCY OF SAN LUIS OBISPO COUNTY

• Mrs. BOXER. Madam President, I take this opportunity to recognize the 25th anniversary of the Land Conservancy of San Luis Obispo County, LCSLO.

Created in 1984 by a group of local residents determined to protect lands throughout San Luis Obispo County, LCSLO has experienced many successes over the past 25 years in its efforts to ensure a proud legacy of scenic beauty and healthy lands throughout the

county. What began as an all-volunteer group working on small conservation agreements has since grown into an established land trust with 16 professional staff members. LCSLO staff and volunteers work to set aside local lands for wildlife, farming, and ranching by preventing poorly planned development; protecting drinking water sources; restoring wildlife habitat; and promoting family farms and ranches.

Since its initial projects in Cambria and Nipomo Mesa, LCSLO has permanently protected over 10,500 acres of land in San Luis Obispo County. The organization has worked to conserve over 100 acres of streamside lands to enhance habitats of steelhead trout, purchased over 300 individual lots to protect the Monterey Pines in Cambria, and restored hundreds of acres of damaged coastal land in the Guadalupe-Nipomo Dunes. Today, five of the Conservancy's land parcels are available for public use. Parcels that are not open to the public provide space for projects that produce stunning views, protect air and water quality, and preserve local farmland.

The Land Conservancy of San Luis Obispo is a grassroots movement that empowers local farmers, ranchers, and residents to protect the land that make San Luis Obispo County so beautiful. By partnering with local organizations and offering residents the opportunity to contribute hands-on to the preservation of their own community, LCSLO is able to conserve the unique rural culture that is so closely tied to this coastal environment.

For 25 years, LCSLO has worked passionately and effectively to sustain a high quality of life for residents and visitors in a healthy natural environment. I commend LCSLO staff and volunteers for maintaining the natural beauty of San Luis Obispo County and for supporting the county's agricultural and tourism-based economy. I look forward to future generations having the opportunity to enjoy this special part of California for many years to come.●

##### REMEMBERING PETER K. WILSON

• Mr. CRAPO. Madam President, today I would like to note the sudden passing of Peter K. Wilson, of Lapwai, ID. A lifelong farmer, World War II veteran and father of seven, Peter was a leader in Idaho agriculture. He served as chairman of the Nez Perce County Agricultural Stabilization and Conservation Service, and as a member of the Idaho State Brand Board, the Nez Perce County Fair Board, the Lewiston Grain Growers Board, and the Idaho Co-op Council Board of Directors. From 1988 until his untimely death on March 30, 2009, Peter was an elected commissioner of the Port of Lewiston, and served as chairman for several terms. From 1994 to his death, Peter also served on the board of the Pacific Northwest Waterways, and was chairman from 2003–2005.

He received numerous awards and honors throughout his working life, including the Governor's Award for Lifetime Achievement in Agriculture, Nez Perce County Grassman of the Year and Nez Perce County Outstanding Farm Citizen.

Peter's love of farming, the mountain pastures he called home, and his family was well-known to many. In his contributions to the community and to Idaho agriculture, he touched many lives, working hard and providing strong, principled leadership. Peter will certainly be missed. I offer my condolences to Peter's wife, Pat, and their family at this difficult time.●

#### HONORING THE LET'S GET READY PROGRAM

● Mr. KERRY. Madam President, Fenway Park, America's most beloved ballpark, will play host to a different collection of superstars on April 30: the young people from cities across Massachusetts including Boston, Brockton, Lawrence, Springfield and Worcester, whose achievements are not measured in batting average or RBIs or All Star Game selections; but in SAT scores, GPA and college acceptance letters.

These young people measure their success by the number of lives they change, the number of young people they help get into college, and the dreams they help make real for hundreds of Massachusetts high school students each year.

Tonight at Fenway Park, you will not find Josh Beckett or Dustin Pedroia or Kevin Youkilis. But you will find Pat Johnson and tonight, to the people at Fenway, he is every bit the superstar David Ortiz is.

Patrick is the incoming Boston College Site Director for Let's Get Ready or LGR, an organization relying wholly on the generosity, compassion and selflessness of college students that guides low-income high school students through the dizzying and daunting college admissions process. He is joined at Fenway tonight by LGR's other volunteers and supporters and by the students and families they work so hard to help.

The college students who volunteer with LGR serve as coaches. These college coaches provide SAT preparation and assistance with all aspects of the college application process to underserved students in five Massachusetts communities. The college application process has become a multimillion-dollar industry and too often low-income students find themselves at a disadvantage. They can not afford the private SAT tutors or professional personal essay advisers more affluent high school students take advantage of. Commercial prep courses cost anywhere from \$1,200 to \$5,000; LGR has a direct cost of only \$500 per student.

That \$500 goes a very long way. LGR helps to level the playing field and ensure the remarkable opportunities that can come from a college education are

not reserved for the well-to-do or well-connected. And level the playing field is exactly what the LGR coaches do. Ninety-two percent of LGR students go directly to college after high school, compared to 47 percent of low-income students nationally. LGR students increase their SAT scores an average of 110 points. LGR has provided support to over 7,500 high school students and engaged over 3,500 college students in meaningful service learning experiences.

I commend Pat and all the superstar LGR coaches at Fenway Park tonight and I thank them for their efforts to ensure no hardworking student with a dream of a college education is left on the sidelines.●

#### GRAND OPENING OF NUCOR CORPORATION'S DETAILING CENTER

● Mr. NELSON of Nebraska. Madam President, today I wish to recognize a major business expansion in my home State of Nebraska which will serve as an inspiration for all businesses struggling in the face of this economic recession.

The Nucor Detailing Center will celebrate its grand opening on May 1, 2009, in Norfolk. This is a state-of-the-art facility operated by Nucor Corporation, a Fortune 500 Company and national manufacturer of steel products.

Nucor's story is an impressive one. Nationally, Nucor has 20,000 employees; more than 900 of them are in Norfolk, NE. Despite a downturn in America's economy which has hit the steel industry especially hard, Nucor practices a no-layoff policy and has not closed any of its plants.

In fact, in Nebraska, Nucor is expanding with the opening of its Nucor Detailing Center. The Detailing Center is the fourth Nucor division to locate in Norfolk, which is the only city in the world claiming four Nucor divisions.

The Nucor Detailing Center started as a small group with just seven employees. Today, it employs 70 teammates with plans to grow to 200 in the near future. This grand opening, in the midst of an economic crisis, the likes of which our country has not seen since the Great Depression, is a testament to the indomitable spirit of the American businessman and to Nucor's belief in a return on its investment in its most valuable resource—workers.

Nucor has gained a reputation as North America's largest recycler and as a company which puts an emphasis on safety, the environment and social responsibility. Now, Nucor is adding to that reputation by being able to expand and excel even during troubled economic times.

Congratulations to Nucor Detailing Center on its grand opening! Nebraska is proud to have Nucor Corporation as one of our fine corporate citizens.●

#### TRIBUTE TO JONATHAN EDWARD KOTILNEK

● Mr. THUNE. Madam President, today I wish to recognize Jonathan Edward Kotilnek, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Jonathan is a graduate of T.F. Riggs High School in Pierre, SD. Currently, he is attending Marquette University Law School, where he is obtaining his juris doctor. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I extend my sincere thanks and appreciation to Jonathan for all of the fine work he has done and wish him continued success in the years to come.●

#### TRIBUTE TO TESSA JEAN HOLKESVIK

● Mr. THUNE. Madam President, today I wish to recognize Tessa Jean Holkesvik, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Tessa Jean Holkesvik is a graduate of Central High School in Aberdeen, SD. Currently she is attending George Washington University, where she is majoring in political science. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I extend my sincere thanks and appreciation to Tessa for all of the fine work she has done and wish her continued success in the years to come.●

#### TRIBUTE TO BRENNA JANE BAHR

● Mr. THUNE. Madam President, today I wish to recognize Brenna Jane Bahr, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Brenna is a graduate of Aberdeen Central High School in Aberdeen, SD. Currently, she is attending the Catholic University of America, where she is majoring in history. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Brenna for all of the fine work she has done and wish her continued success in the years to come.●

#### LAFORCHE PARISH POLICE SOCIAL SERVICES SECTION

● Mr. VITTER. Madam President, today I wish to recognize and pay tribute to the heroic men and women of

the Police Social Services Section, PSS, of Lafourche Parish, LA, for their victim advocacy, courage, Federal leadership, and professional innovation in victim services. I would like to take some time to make a few remarks on their tireless efforts and work on behalf of crime victims.

National Crime Victims' Rights Week will be observed from April 26 to May 2, 2009. This year marks the 25th anniversary of the passage of the Victims of Crime Act of 1984, which created the Office for Victims of Crime and is responsible for nearly \$7 billion in support for crime victim compensation, assistance, and other programs that serve victims. On Thursday, April 23, Attorney General Holder will preside over a national candlelight observance and will join victims, victim advocates, criminal justice professionals, and members of the public to remember crime victims and reflect on progress made in improving victims' rights.

On Friday, April 24, the PSS of Lafourche Parish will receive the Award for Professional Innovation in Victim Services. Team members include: LT. Karla S. Beck, Ms. Deanna Dufrene, SGT. Valerie Day, Deputy Dale Savoie, Deputy Walter Tenney, Deputy Delaune Boudreaux, Advocate Tamera Joseph, Deputy Rebecca Shaver, Deputy Amy Guillot, Deputy Pam Guedry, and Reservist Bernard Lafaso. The team is unique in their innovative and significant efforts on behalf of victim services. The PSS Elderly Services Officer is a devoted, full-time, extensive case manager, visiting the local nursing home and community Council on Aging groups to provide assistance, services, and education to older victims, their family members and caregivers. They also implemented the Crime Victims with Disabilities Program to address victims with disabilities, and also developed a model curriculum, "Beyond the Barriers: Crisis Intervention Training," that has been used to educate law enforcement personnel throughout Louisiana. They were also awarded a grant in 2007 to establish Supervised Visitation Centers—a safe space for children to transition from one parent to another. Due to PSS, the Sheriff's Office has received numerous awards and national and State recognition. PSS started with one full-time deputy and one volunteer. Today, PSS has 12 full-time deputies, two auxiliary deputies, two volunteers, and administrative support, all of whom work together to improve the lives of victims in the aftermath of crime.

Today, I applaud the Lafourche Parish Sheriff's Office for being honored by the Department of Justice for their victim advocacy and thank them for their continued service to the people of Louisiana and the rest of the Nation.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to

the Senate by Mrs. Neiman, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

**TRANSMITTING CERTIFICATION THAT THE EXPORT OF ONE CONTINUOUS MIXER, ONE JET MILL, AND ONE FILAMENT WINDING CELL IS NOT DETRIMENTAL TO THE U.S. SPACE LAUNCH INDUSTRY, AND THAT THE MATERIAL AND EQUIPMENT, INCLUDING ANY INDIRECT TECHNICAL BENEFIT THAT COULD BE DERIVED FROM THESE EXPORTS, WILL NOT MEASURABLY IMPROVE THE MISSILE OR SPACE LAUNCH CAPABILITIES OF THE PEOPLE'S REPUBLIC OF CHINA—PM 14**

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

*To the Congress of the United States:*

In accordance with the provisions of section 1512 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261), I hereby certify to the Congress that the export of one continuous mixer to be used to manufacture conductive polymer compounds to be further processed to make circuit protection devices, one jet mill to be used for particle size reduction of pigments and other powder products for cosmetic formulations, and one filament winding cell to be used to manufacture fiberglass assembly shelter poles for use in tents and shelters is not detrimental to the U.S. space launch industry, and that the material and equipment, including any indirect technical benefit that could be derived from these exports, will not measurably improve the missile or space launch capabilities of the People's Republic of China.

BARACK OBAMA.  
THE WHITE HOUSE, April 21, 2009.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 131. An act to establish the Ronald Reagan Centennial Commission.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, and were referred as indicated:

EC-1286. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Thiamethoxam; Pesticide Tolerances" (FRL-8407-8) as received during adjournment of the Senate in the Office of the President of the Senate on April 3, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1287. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Modification of Pesticide Tolerance Revocation for Diazinon" (FRL-8410-1) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1288. A communication from the Acting Assistant Secretary of the Army (Acquisition, Logistics and Technology), transmitting, pursuant to law, a report relative to the Product Improvement Pilot Program (PIPP); to the Committee on Armed Services.

EC-1289. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes" ((RIN2120-AA64) (Docket No. FAA-2008-0888)) as received during adjournment of the Senate in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1290. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes" ((RIN2120-AA64) (Docket No. FAA-2008-0521)) as received during adjournment of the Senate in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1291. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Death Valley, CA" ((Docket No. FAA-2008-0137) (Airspace Docket No. 08-AWP-2)) as received during adjournment of the Senate in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1292. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Reno, NV" ((Docket No. FAA-2008-1108) (Airspace Docket No. 08-AWP-11)) as received during adjournment of the Senate in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1293. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A310 Series Airplanes and Model A300-600 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2008-0018)) as received during adjournment of the Senate in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1294. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG (RRD) BR700-715A1-30, BR700-715B1-30, and BR700-715C1-30 Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2008-0224)) as received during adjournment of the Senate in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1295. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2008-1327)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1296. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Average Fuel Economy Standards Passenger Cars and Light Trucks Model Year 2011" ((RIN2127-AK29) (Docket No. NHTSA-2009-0062)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1297. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747SR, and 747SP Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2008-1072)) as received during adjournment of the Senate in the Office of the President of the Senate on April 3, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1298. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to the Government in the Sunshine Act; to the Committee on Energy and Natural Resources.

EC-1299. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Version Two Facilities Design, Connections and Maintenance Reliability Standards" ((Docket No. RM08-11-000) (Order No. 722)) as received during adjournment of the Senate in the Office of the President of the Senate on April 7, 2009; to the Committee on Energy and Natural Resources.

EC-1300. A communication from the Attorney of the Office of Assistant General Counsel for Legislation and Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Energy Conservation Standards for Certain Consumer Products (Dishwashers, Dehumidifiers, Microwave Ovens, and Electric and Gas Kitchen Ranges and Ovens) and for Certain Commercial and Industrial Equipment (Commercial Clothes Washers)" ((RIN1904-AB49) as received during adjournment of the Senate in the Office of the President of the Senate on April 13, 2009; to the Committee on Energy and Natural Resources.

EC-1301. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Permits; Revision of Expiration Dates for Double Crested Cormorant Depredation Orders" ((RIN1018-AW11)

received in the Office of the President of the Senate on April 2, 2008; to the Committee on Environment and Public Works.

EC-1302. A communication from the Acting Chair of the Federal Subsistence Board, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Subsistence Management Regulations for Public Lands in Alaska - 2009-10 and 2010-11 Subsistence Taking of Fish Regulations" ((RIN1018-AV72) received in the Office of the President of the Senate on April 2, 2009; to the Committee on Environment and Public Works.

EC-1303. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Kansas; Update to Materials Incorporated by Reference" ((FRL-8760-9) as received during adjournment of the Senate in the Office of the President of the Senate on April 3, 2009; to the Committee on Environment and Public Works.

EC-1304. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Priorities List, Final Rule No. 46" ((RIN2050-AD75) as received during adjournment of the Senate in the Office of the President of the Senate on April 3, 2009; to the Committee on Environment and Public Works.

EC-1305. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination of Attainment of the One-Hour Ozone Standard for the Southern New Jersey Portion of the Philadelphia Metropolitan Nonattainment Area" ((FRL-8775-5) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Environment and Public Works.

EC-1306. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "American Recovery and Reinvestment Act of 2009 (Recovery Act) Supplemental Funding for Brownfields Revolving Loan Fund (RLF) Grantees" ((FRL-8791-3) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Environment and Public Works.

EC-1307. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri" ((FRL-8791-6) as received during adjournment of the Senate in the Office of the President of the Senate on April 13, 2009; to the Committee on Environment and Public Works.

EC-1308. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Ocean Dumping; Designation of Ocean Dredged Material Disposal Site Offshore of the Rogue River, Oregon" ((FRL-8791-2) as received during adjournment of the Senate in the Office of the President of the Senate on April 13, 2009; to the Committee on Environment and Public Works.

EC-1309. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Wisconsin: Final Authorization of State Hazardous Waste Management Program Revision" ((FRL-8788-9) as received during ad-

journment of the Senate in the Office of the President of the Senate on April 13, 2009; to the Committee on Environment and Public Works.

EC-1310. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Withdrawal of NPDES Voluntary Permit Fee Incentive for Clean Water Act Section 108 Grants; Allotment Formula" ((FRL-8792-3) as received during adjournment of the Senate in the Office of the President of the Senate on April 13, 2009; to the Committee on Environment and Public Works.

EC-1311. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware; Update to Materials Incorporated by Reference" ((FRL-8789-7) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Environment and Public Works.

EC-1312. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Georgia; Enhanced Inspection and Maintenance Plan" ((FRL-8892-8) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Environment and Public Works.

EC-1313. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Wisconsin: Final Authorization of State Hazardous Waste Management Program Revision" ((FRL-8789-6) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Environment and Public Works.

EC-1314. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; New Jersey; Diesel Idling Rule Revisions" ((FRL-8757-6) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Environment and Public Works.

EC-1315. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Approval of the Ventura County Air Pollution Control District—Reasonably Available Control Technology Analysis" ((FRL-8784-2) as received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2009; to the Committee on Environment and Public Works.

EC-1316. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; North Dakota; Update to Materials Incorporated by Reference" ((FRL-8892-7) as received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2009; to the Committee on Environment and Public Works.

EC-1317. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled

"Approval and Promulgation of Air Quality Implementation Plans; Minnesota" (FRL-8894-1) as received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2009; to the Committee on Environment and Public Works.

EC-1318. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Amendment to Requirements for Providing Information on the Delegation of the Administrator's Authorities and Responsibilities for Certain States" (FRL-8893-7) as received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2009; to the Committee on Environment and Public Works.

EC-1319. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Texas; Reasonable Further Progress Plan, Motor Vehicle Emissions Budgets, and 2002 Base Year Emissions Inventory; Houston-Galveston-Brazoria 1997 8-Hour Ozone Nonattainment Area" (FRL-8895-3) as received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2009; to the Committee on Environment and Public Works.

EC-1320. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; South Carolina; NOx SIP Call Phase II" (FRL-8894-8) as received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2009; to the Committee on Environment and Public Works.

EC-1321. A communication from the Director, Office of Human Resources, Environmental Protection Agency, transmitting, pursuant to law, (13) reports relative to vacancy announcements, changes in previously submitted reported information, and designation of acting officers, as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Environment and Public Works.

EC-1322. A communication from the Director, Office of Human Resources, Environmental Protection Agency, transmitting, pursuant to law, (2) reports relative to vacancy announcements, nominations, action on nominations, and designation of acting officers, as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Environment and Public Works.

EC-1323. A communication from the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "Use of Funds Appropriated to the Office of Inspector General for Medicaid-Related Program Integrity Activities"; to the Committee on Finance.

EC-1324. A communication from the Program Manager of the Center for Medicaid and State Operations, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; State Flexibility for Medicaid Benefit Packages" (RIN0938-AP72) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Finance.

EC-1325. A communication from the Program Manager, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "State Par-

ent Locator Service; Safeguarding Child Support Information: Proposed Delay of Effective Date" (RIN0970-AC01) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Finance.

EC-1326. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 911(d)(4)—2008 Update" (Rev. Proc. 2009-22) received in the Office of the President of the Senate on April 2, 2009; to the Committee on Finance.

EC-1327. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Nonconventional Source Fuel Credit, Section 45K Inflation Adjustment Factor, and Section 45K Reference Price" (Notice 2009-32) received in the Office of the President of the Senate on April 2, 2009; to the Committee on Finance.

EC-1328. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Request for Comments on Certain Section 263A Rules Relating to Property Acquired for Resale" (Notice 2009-25) as received during adjournment of the Senate in the Office of the President of the Senate on April 9, 2009; to the Committee on Finance.

EC-1329. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualified Energy Conservation Bond Allocations for 2009" (Notice 2009-29) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Finance.

EC-1330. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Premium Assistance for COBRA Benefits" (Notice 2009-27) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Finance.

EC-1331. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Home Affordable Modification Program" (Rev. Proc. 2009-23) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Finance.

EC-1332. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualifying Advanced Coal Project Program" (Notice 2009-24) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Finance.

EC-1333. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualifying Gasification Project Program" (Notice 2009-23) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Finance.

EC-1334. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the

Treasury, transmitting, pursuant to law, the report of a rule entitled "ARRA Update to Annual Indexing Revenue Procedures" (Rev. Proc. 2009-21) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Finance.

EC-1335. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2009 Automobile Inflation Adjustments" (Rev. Proc. 2009-24) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Finance.

EC-1336. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice 2009-39) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Finance.

EC-1337. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Request for Comments on Revenue Procedure for Section 403(b) Prototype Plans" (Announcement 2009-34) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Finance.

EC-1338. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Build America Bonds and Direct Payment Subsidy Implementation" (Notice 2009-26) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Finance.

EC-1339. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tax Effects of the Acquisition of Instruments by the Treasury Department Under Certain Programs Pursuant to the Emergency Economic Stabilization Act of 2008" (Notice 2009-38) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Finance.

EC-1340. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualified Zone Academy Bond Allocations for 2008 and 2009" (Notice 2009-30) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Finance.

EC-1341. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualified School Construction Bond Allocations for 2009" (Notice 2009-35) as received during adjournment of the Senate in the Office of the President of the Senate on April 16, 2009; to the Committee on Finance.

EC-1342. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "New Clean Renewable Energy Bonds Application Solicitation and Requirements" (Notice 2009-33) as received during adjournment of the Senate in



the Office of the President of the Senate on April 16, 2009; to the Committee on Finance.

EC-1343. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Phase-out of Credit for New Qualified Hybrid Motor Vehicles and New Advanced Lean Burn Technology Motor Vehicles" (Notice 2009-37) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Finance.

EC-1344. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more with Israel; to the Committee on Foreign Relations.

EC-1345. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services in the amount of \$100,000,000 or more with Japan; to the Committee on Foreign Relations.

EC-1346. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed agreement for the export of defense articles or defense services in the amount of \$100,000,000 or more with Greece; to the Committee on Foreign Relations.

EC-1347. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense services and defense articles in the amount of \$100,000,000 or more with the Republic of Korea; to the Committee on Foreign Relations.

EC-1348. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense services and defense articles in the amount of \$100,000,000 or more with South Korea; to the Committee on Foreign Relations.

EC-1349. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles and defense services in the amount of \$100,000,000 or more with Japan; to the Committee on Foreign Relations.

EC-1350. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles that are firearms controlled under Category I of the United States Munitions List sold commercially under a contract in the amount of \$1,000,000 or more to Canada; to the Committee on Foreign Relations.

EC-1351. A communication from the Acting Assistant Secretary, Bureau of Legislative

Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including technical data, and defense services in the amount of \$50,000,000 or more with the United Arab Emirates; to the Committee on Foreign Relations.

EC-1352. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to the activities of the Western Hemisphere Institute for Security Cooperation; to the Committee on Foreign Relations.

EC-1353. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2009-0036 - 2009-0046); to the Committee on Foreign Relations.

EC-1354. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the waiver of Section 907 of the FREEDOM Support Act; to the Committee on Foreign Relations.

EC-1355. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles in the amount of \$50,000,000 or more with Sweden; to the Committee on Foreign Relations.

#### EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. BAUCUS for the Committee on Finance.

\*Kathleen Sebelius, of Kansas, to be Secretary of Health and Human Services.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LUGAR:

S. 838. A bill to provide for the appointment of United States Science Envoys; to the Committee on Foreign Relations.

By Mr. CASEY (for himself, Mr. KAUFMAN, Mr. WHITEHOUSE, Mr. SANDERS, and Mr. BEGICH):

S. 839. A bill to assist States in making voluntary high quality universal prekindergarten programs available to 3- to 5-year olds for at least 1 year preceding kindergarten; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VOINOVICH (for himself, Mr. PRYOR, Ms. MURKOWSKI, Mr. BAYH, Mr. BOND, Mr. DORGAN, Mr. MARTINEZ, Ms. CANTWELL, Mr. BURR, and Mr. LUGAR):

S. 840. A bill to establish a Development and Commercialization Committee on Clean and Efficient Energy Technologies within the Asia-Pacific Partnership on Clean Devel-

opment and Climate Program Office, and for other purposes; to the Committee on Foreign Relations.

By Mr. KERRY (for himself and Mr. SPECTER):

S. 841. A bill to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation; to the Committee on Commerce, Science, and Transportation.

By Mr. KERRY:

S. 842. A bill to repeal the sunset of certain enhancements of protections of servicemembers relating to mortgages and mortgage foreclosures, to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to pay mortgage holders unpaid balances on housing loans guaranteed by Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LAUTENBERG (for himself, Mr. REED, Mr. WHITEHOUSE, Mr. SCHUMER, Mr. KERRY, Mr. KENNEDY, Mr. LEVIN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. CARDIN, Mrs. GILLIBRAND, and Mr. MENENDEZ):

S. 843. A bill to establish background check procedures for gun shows; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself and Mr. ISAKSON):

S. 844. A bill to amend the Public Health Service Act to prevent and treat diabetes, to promote and improve the care of individuals with diabetes, and to reduce health disparities relating to diabetes within racial and ethnic minority groups, including African-American, Hispanic American, Asian American, Native Hawaiian and other Pacific Islander, and American Indian and Alaskan Native communities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. THUNE (for himself, Mr. BARRASSO, Mr. BEGICH, Mr. BENNETT, Mr. BROWNBACK, Mr. BURR, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Mr. CRAPO, Mr. DEMINT, Mr. ENSIGN, Mr. ENZI, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. INHOFE, Mr. ISAKSON, Mr. MARTINEZ, Mr. RISCH, Mr. ROBERTS, Mr. VITTER, and Mr. WICKER):

S. 845. A bill to amend chapter 44 of title 18, United States Code, to allow citizens who have concealed carry permits from the State in which they reside to carry concealed firearms in another State that grants concealed carry permits, if the individual complies with the laws of the State; to the Committee on the Judiciary.

By Mr. DURBIN (for himself, Mr. BENNETT, Mr. KERRY, Mr. CASEY, Ms. SNOWE, Mrs. MURRAY, Mr. WHITEHOUSE, Ms. MURKOWSKI, Mr. BINGAMAN, Mr. FEINGOLD, Mr. ENZI, and Mr. PRYOR):

S. 846. A bill to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WEBB:

S. 847. A bill to amend title 38, United States Code, to provide that utilization of survivors' and dependents' educational assistance shall not be subject to the 48-month limitation on the aggregate amount of assistance utilizable under multiple veterans and related educational assistance programs; to the Committee on Veterans' Affairs.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. Res. 106. A resolution celebrating the outstanding athletic accomplishments of the University of Findlay men's basketball team for winning the National Collegiate Athletic Association Division II Championship; considered and agreed to.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. Res. 107. A resolution commending the University of Connecticut Huskies for their historic win in the 2009 National Collegiate Athletic Association Division I Women's Basketball Tournament; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the names of the Senator from Idaho (Mr. RISCHE) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 292

At the request of Mr. SPECTER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 292, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 343

At the request of Mrs. LINCOLN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 343, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage services of qualified respiratory therapists performed under the general supervision of a physician.

S. 358

At the request of Mr. CORNYN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 358, a bill to ensure the safety of members of the United States Armed Forces while using expeditionary facilities, infrastructure, and equipment supporting United States military operations overseas.

S. 386

At the request of Mr. LEAHY, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 386, a bill to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.

S. 408

At the request of Mr. INOUE, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 408, a bill to amend the Public

Health Service Act to provide a means for continued improvement in emergency medical services for children.

S. 428

At the request of Mr. DORGAN, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of S. 428, a bill to allow travel between the United States and Cuba.

S. 456

At the request of Mr. DODD, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 456, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop guidelines to be used on a voluntary basis to develop plans to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs, to establish school-based food allergy management grants, and for other purposes.

S. 462

At the request of Mrs. BOXER, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 462, a bill to amend the Lacey Act Amendments of 1981 to prohibit the importation, exportation, transportation, and sale, receipt, acquisition, or purchase in interstate or foreign commerce, of any live animal of any prohibited wildlife species, and for other purposes.

S. 468

At the request of Ms. STABENOW, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 468, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 476

At the request of Mrs. BOXER, the names of the Senator from Illinois (Mr. BURRIS), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 476, a bill to amend title 10, United States Code, to reduce the minimum distance of travel necessary for reimbursement of covered beneficiaries of the military health care system for travel for specialty health care.

S. 491

At the request of Mr. WEBB, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal ci-

vilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 535

At the request of Mr. NELSON of Florida, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 538

At the request of Mrs. LINCOLN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 538, a bill to increase the recruitment and retention of school counselors, school social workers, and school psychologists by low-income local educational agencies.

S. 546

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 546, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 565

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 565, a bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes.

S. 567

At the request of Mr. CRAPO, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 567, a bill to repeal the sunset on the reduction of capital gains rates for individuals and on the taxation of dividends of individuals at capital gains rates.

S. 581

At the request of Mr. BENNET, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 581, a bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to require the exclusion of combat pay from income for purposes of determining eligibility for child nutrition programs and the special supplemental nutrition program for women, infants, and children.

S. 590

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms.

COLLINS) was added as a cosponsor of S. 590, a bill to assist local communities with closed and active military bases, and for other purposes.

S. 597

At the request of Mrs. MURRAY, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 597, a bill to amend title 38, United States Code, to expand and improve health care services available to women veterans, especially those serving in operation Iraqi Freedom and Operation Enduring Freedom, from the Department of Veterans Affairs, and for other purposes.

S. 614

At the request of Mrs. HUTCHISON, the names of the Senator from Florida (Mr. NELSON) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots ("WASP").

S. 634

At the request of Mr. HARKIN, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from Indiana (Mr. BAYH), the Senator from Ohio (Mr. BROWN), the Senator from Hawaii (Mr. AKAKA) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 634, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 645

At the request of Mrs. LINCOLN, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of S. 645, a bill to amend title 32, United States Code, to modify the Department of Defense share of expenses under the National Guard Youth Challenge Program.

S. 662

At the request of Mr. CONRAD, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 662, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 693

At the request of Mr. HARKIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 693, a bill to amend the Public Health Service Act to provide grants for the training of graduate medical residents in preventive medicine.

S. 711

At the request of Mr. BAUCUS, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 711, a bill to require mental health screenings for members of the Armed Forces who are deployed in connection with a contingency operation, and for other purposes.

S. 714

At the request of Mr. WEBB, the names of the Senator from Montana (Mr. TESTER) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 714, a bill to establish the National Criminal Justice Commission.

S. 718

At the request of Mr. HARKIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 718, a bill to amend the Legal Services Corporation Act to meet special needs of eligible clients, provide for technology grants, improve corporate practices of the Legal Services Corporation, and for other purposes.

S. 727

At the request of Ms. LANDRIEU, the names of the Senator from Illinois (Mr. BURRIS) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 727, a bill to amend title 18, United States Code, to prohibit certain conduct relating to the use of horses for human consumption.

S. 749

At the request of Mr. COCHRAN, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Florida (Mr. MARTINEZ) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 749, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 772

At the request of Mr. BOND, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 772, a bill to enhance benefits for survivors of certain former members of the Armed Forces with a history of post-traumatic stress disorder or traumatic brain injury, to enhance availability and access to mental health counseling for members of the Armed Forces and veterans, and for other purposes.

S. 775

At the request of Mr. VOINOVICH, the name of the Senator from Nebraska (Mr. JOHANNES) was added as a cosponsor of S. 775, a bill to amend title 10, United States Code, to authorize the availability of appropriated funds for international partnership contact activities conducted by the National Guard, and for other purposes.

S. 781

At the request of Mr. ROBERTS, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 781, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 790

At the request of Mr. BINGAMAN, the name of the Senator from Indiana (Mr.

LUGAR) was added as a cosponsor of S. 790, a bill to improve access to health care services in rural, frontier, and urban underserved areas in the United States by addressing the supply of health professionals and the distribution of health professionals to areas of need.

S. 802

At the request of Mr. JOHNSON, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 802, a bill to amend the Internal Revenue Code of 1986 to allow Indian tribes to transfer the credit for electricity produced from renewable resources.

S. 809

At the request of Mr. CASEY, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 809, a bill to establish a program to provide tuition assistance to individuals who have lost their jobs as a result of the economic downturn.

S. 816

At the request of Mr. CRAPO, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 816, a bill to preserve the rights granted under second amendment to the Constitution in national parks and national wildlife refuge areas.

S. 818

At the request of Mr. BINGAMAN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 818, a bill to reauthorize the Enhancing Education Through Technology Act of 2001, and for other purposes.

S. 832

At the request of Mr. NELSON of Florida, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 832, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. RES. 84

At the request of Mr. LEVIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 84, a resolution urging the Government of Canada to end the commercial seal hunt.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR:

S. 838. A bill to provide for the appointment of United States Science Envoys; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 838

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. FINDINGS.**

Congress finds the following:

(1) The United States is the world's leader in scientific research and discovery.

(2) The United States has produced more Nobel Laureates than any other nation, including—

(A) 90 of the 192 Nobel Laureates in Medicine;

(B) 81 of the 183 Nobel Laureates in Physics;

(C) 43 of the 62 Nobel Laureates in Economics; and

(D) 59 of the 153 Nobel Laureates in Chemistry.

(3) Consistent polling and scholarly research has shown that—

(A) the nations of the world seek a relationship with the United States that is based on mutual respect; and

(B) many of these nations, even nations that disagree with some aspects of United States foreign policy, admire the United States for its leadership in science and technology.

(4) Science and technology provide an external reference around which nations can converge to foster an atmosphere of cooperation and mutual respect based upon the recognition that advances in science and technology are universally beneficial.

(5) International scientific cooperation enhances relationships among participating countries by building trust and increasing understanding between countries and cultures through the collaborative nature of scientific dialogues.

(6) The United States' commitment to technological advances—

(A) displays our Nation's commitment to improving lives throughout the world;

(B) mitigates some political controversy; and

(C) offers other countries a tangible incentive to cooperate with the United States to improve the health and well-being of their citizens.

(7) Short-term visits from renowned and respected American scientists can dramatically affect the standing of the United States among foreign countries.

(8) International scientific cooperation—

(A) produced successful engagements between United States and Soviet scientists throughout the 1970s and 1980s; and

(B) assisted United States outreach efforts with the People's Republic of China before official diplomatic ties were fully established.

(9) Various nongovernmental organizations in the United States have been engaged in international scientific cooperation programs. These organizations include the American Association for the Advancement of Science, the Richard Lounsbery Foundation, and many major United States academic institutions.

**SEC. 2. EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.**

(a) IN GENERAL.—Under the authority, direction, and control of the President, the Secretary of State, in accordance with the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.), may increase the number of educational and cultural exchange activities involving persons from scientific, medicine, research, and academic sectors by—

(1) establishing new programs under that Act; and

(2) expanding the coverage of existing programs under that Act.

(b) SCIENTIFIC ENVOY.—The Secretary of State shall appoint United States Science Envoys to represent the commitment of the United States to collaborate with other countries to promote the advancement of science and technology throughout the world

based on issues of common interest and expertise.

By Mr. CASEY (for himself, Mr. KAUFMAN, Mr. WHITEHOUSE, Mr. SANDERS, and Mr. BEGICH):

S. 839. A bill to assist States in making voluntary high quality universal prekindergarten programs available to 3- to 5-year olds for at least 1 year preceding kindergarten; to the Committee on Health, Education, Labor, and Pensions.

Mr. CASEY. Mr. President, I rise today to speak about the well-being of our children, both now, today, and also into the future. That is why today I am reintroducing my bill, Prepare All Kids, along with Senator KAUFMAN of Delaware and Senator WHITEHOUSE of Rhode Island.

I believe—and I know this is a belief shared by many people in our country—every child in America is born with a light inside and it is our responsibility to keep that light burning ever brightly. This bill will help States to provide at least 1 year of voluntary prekindergarten education to children between the ages of 3 and 5. The Prepare All Kids Act will also provide funding for important programs that serve the needs of children from birth to age 3, a most critical time in the development of children.

The research is irrefutable. Investing in children in their earliest years greatly improves their life outcomes, and conservative estimates put the savings to our economy at about \$7 for every \$1 we invest. So this is about two things: It is certainly about our obligation, our abiding obligation to our children, but it is also about our economy, the obligation to our economy that we have to develop skilled workers to compete in a world economy.

There is no question that for some of the most disadvantaged children there is an achievement gap between them and their more privileged peers that sometimes never closes. One study shows that before entering kindergarten, the average cognitive scores of preschool-age children in the highest socioeconomic group were 60 percent above the average scores of children in the lowest socioeconomic group. I believe investing in children is the right thing to do, and it is the smart thing to do. Sometimes the oldest sayings are the truest because years of scientific research on early childhood programs has proven without a doubt that an ounce of prevention is indeed worth a pound of cure—certainly when it comes to investing in our children.

Earlier this year, I was proud to advocate for investments in our children in this year's recovery bill and prouder still when those investments remained intact with passage. Programs such as Early Head Start, Head Start, and childcare programs are receiving desperately needed increases right now, as working parents all across the country struggle to maintain jobs, keep their homes, and ensure their children are

well cared for while they take care of their responsibilities. It is critical that working families can depend upon these investments in the years to come.

The Presidency, the administration of Barack Obama, has an important budget blueprint for further recognizing the wisdom of investing in our children. In addition to the recovery bill investments, the President's Zero to Five initiative highlights the importance of investments during the critical period of time between birth and age 5: investments in early learning, nurse home visitation, and creating neighborhoods in which low-income and disadvantaged children can receive the help and assistance they need to succeed in life.

I want to emphasize very clearly today as it relates to the bigger picture of giving children what they need in the early years, my bill, the Prepare All Kids Act, focuses on prekindergarten, but it also focuses on programs that serve infants and toddlers. It is also about investing in and preparing all kids—not just some but all—who are about to enter kindergarten. It is absolutely imperative that we don't see children in pieces, that we not create silos as we begin to focus on the kinds of investments our children need. We cannot allow that to be “siloed” that way, not childcare versus Head Start versus prekindergarten. These programs should not have to compete with one another, and in my bill I make sure they don't.

We also have to remember that investing in children cannot suddenly begin when they are 3 or 4 years old. It must begin from the earliest days of a child's life, literally beginning before they are born. The Obama administration, in outlining its vision of early childhood, shows a wise commitment to streamlining and coordinating a system of early childhood programs and investments. I could not agree more with the need for such streamlining.

We are also fortunate indeed to have Secretary Duncan and, hopefully very soon, the confirmation of Governor Sebelius as Secretary of Health and Human Services—both of whom really get it, as the President said to a joint session in speaking of another part of our priorities in terms of getting it, understanding what we have to do. When it comes to the continuum of early childhood development and education, both of these officials, as well as the President and Vice President and their team, all get this, and they understand it. That is why they have made Zero to Five such a high priority.

Let me turn to an economic summary of the Prepare All Kids Act. First of all, in this bill we assist States in providing at least 1 year of high-quality prekindergarten education to children. Under my bill, prekindergarten programs must adhere to high-quality standards. That includes a research-based curriculum that supports children's cognitive, social, emotional, and

physical development and individual learning styles. Experts tell us that at the preschool stage, social and emotional learning can be as important and perhaps even more important than cognitive learning. That is where early socialization takes place—learning to share, pay attention, work independently, and express feelings. All these are critical to successful childhood development.

Classrooms in our bill will have a maximum of 20 children and children-to-teacher ratios of no more than 10 to 1. Children need individualized and quality attention to thrive, and these requirements provide that. The bill helps States that want to expand pre-K programs to full-day programs as well as extend their programs year round. This supports both children and working parents who need high-quality programs for their children during the workday and in the summer.

Prekindergarten teachers will be required to have a bachelor's degree at the time they are employed, but we give them sufficient time, 6 years, in order to get it. We also allow States to use funds for professional development for teachers. But we want highly qualified and committed teachers in our pre-K programs.

States must create a monitoring plan that will appropriately measure individual program effectiveness. And, one more point: infant and toddler programs will receive a significant portion of the funding—15 percent. These programs typically receive the lowest dollars of all early childhood programs, making it difficult for parents, many of them single moms, to find quality childcare for the youngest of our children.

We have to recognize in this bill and other places as well the critical role of parents in the education of their young children by strongly encouraging parental involvement in programs and assisting families in getting the supportive services they may need.

Children come in families. To truly help children, we have to involve and support their parents. We have to involve the whole family. More important, children cannot succeed without the active involvement of their parents. I believe we have an obligation to our children and to our future workforce.

Compared to children who attend high-quality preschool, those who do not attend such programs are five times more likely to be chronic lawbreakers as adults and more likely to abuse illegal drugs. Children who attend high-quality preschool are more successful in school, more likely to graduate from high school, and thus more likely to become productive adults who contribute to the U.S. economy.

But for anyone who needs additional reasons, decades of research on life outcomes of children who have attended early childhood programs proves the wisdom of this investment. Conserv-

ative estimates are that we save \$7 for every \$1 invested—in crime, welfare, and education costs. Some studies have shown as much as \$17 in savings.

We must ensure that the light in every child—really, their potential—burns brightly. It is my deep conviction that as elected public servants we have a sacred responsibility to ensure we invest in our children by providing early learning and development, nutrition and health care—these three: nutrition, health care, and early learning. That is why I am committed to serving the children of this Nation and why I am reintroducing the Prepare All Kids Act.

I look forward to working with President Obama and Democrats and Republicans in the Congress who share these priorities. I look forward to giving our children the good start they deserve, to keep their light shining brightly.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 839

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Prepare All Kids Act of 2009”.

#### SEC. 2. HIGH QUALITY PREKINDERGARTEN PROGRAMS.

Title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended—

- (1) by redesignating part I as part J; and
- (2) by inserting after part H the following:

##### “PART I—HIGH QUALITY PREKINDERGARTEN PROGRAMS

##### “SEC. 1841. FINDINGS.

“Congress makes the following findings:

“(1) Investments in children and early childhood development education should be a national priority.

“(2) State-funded preschool is the most rapidly expanding segment of the United States educational system, but in many States a lack of stable funding poses an enormous threat to the provision or continuation of high quality preschool.

“(3) Researchers, educators, and economists have long noted an achievement gap for low-income and minority students as compared to their more advantaged peers that is often already evident when children enter school for the first time.

“(4) One study showed that before entering kindergarten, the average cognitive scores of preschool-age children in the highest socioeconomic group are 60 percent above the average scores of children in the lowest socioeconomic group.

“(5) For low-income preschoolers, research shows that high quality early education and development is vital to closing the achievement gap between them and their more advantaged peers.

“(6) Numerous studies have shown that high quality preschool programs—

“(A) improve a number of specific life outcomes for children; and

“(B) are cost effective.

“(7) The provision of high quality prekindergarten is a cost-effective investment for children and for the Nation. Research shows that for every \$1 invested in high quality early childhood programs, taxpayers save

up to \$7 in crime, welfare, remedial and special education, and other costs.

“(8) High quality early education increases academic success for schoolchildren who received that education by—

“(A) improving skills in areas such as following directions and problem solving;

“(B) improving children's performance on standardized tests;

“(C) reducing grade repetition;

“(D) reducing the number of children placed in special education; and

“(E) increasing high school graduation rates.

“(9) High quality early education promotes responsible behavior by teens and adults who received that education by—

“(A) reducing crime, delinquency, and unhealthy behaviors such as smoking and drug use;

“(B) lowering rates of teen pregnancy;

“(C) leading to greater employment and higher wages for adults; and

“(D) contributing to more stable families.

“(10) High quality prekindergarten programs prepare children to—

“(A) succeed in school;

“(B) achieve higher levels of education; and

“(C) become citizens who—

“(i) earn more in adulthood;

“(ii) compete in the global economy; and

“(iii) contribute to our national prosperity.

#### “SEC. 1842. DEFINITIONS.

“In this part:

“(1) FULL-DAY.—The term ‘full-day’, used with respect to a program, means a program with a minimum of a 6-hour schedule per day.

“(2) POVERTY LINE.—The term ‘poverty line’ has the meaning given the term in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) and includes any revision required by that section.

“(3) PREKINDERGARTEN.—The term ‘prekindergarten’ means a program that—

“(A) serves children who are ages 3 through 5;

“(B) supports children's cognitive, social, emotional, and physical development and approaches to learning; and

“(C) helps prepare children for a successful transition to kindergarten.

“(4) PREKINDERGARTEN TEACHER.—The term ‘prekindergarten teacher’ means an individual who

“(A) has a bachelor of arts degree with a specialization in early childhood education or early childhood development; or

“(B) during the 6-year period following the first date on which the individual is employed as such a teacher under this part, is working toward that degree.

“(5) QUALIFIED PREKINDERGARTEN PROVIDER.—The term ‘qualified prekindergarten provider’ includes a provider of a prekindergarten program, a Head Start agency, a provider of a child care program, a school, and a for-profit or nonprofit organization that—

“(A) is in existence on the date of the qualification determination; and

“(B) has met applicable requirements under State or local law that are designed to protect the health and safety of children and that are applicable to child care providers.

#### “SEC. 1843. PROGRAM AUTHORIZATION.

“(a) PREKINDERGARTEN INCENTIVE FUND.—The Secretary, in collaboration and consultation with the Secretary of Health and Human Services, shall create a Prekindergarten Incentive Fund, to be administered by the Secretary of Education.

“(b) GRANTS.—In administering the Fund, the Secretary shall award grants to eligible States based on a formula established by the Secretary in accordance with subsection (c),

to pay for the Federal share of the cost of awarding subgrants to qualified prekindergarten providers to establish, expand, or enhance voluntary high quality full-day prekindergarten programs.

“(c) MINIMUM ALLOTMENT.—No State shall receive a grant allotment under subsection (b) for a fiscal year that is less than one-half of 1 percent of the total amount made available to carry out this part for such fiscal year.

**“SEC. 1844. STATE APPLICATIONS AND REQUIREMENTS.**

“(a) DESIGNATED STATE AGENCY.—To be eligible to receive a grant under this part, a State shall designate a State agency to administer the State program of assistance for prekindergarten programs funded through the grant, including receiving and administering funds and monitoring the programs.

“(b) STATE APPLICATION.—In order for a State to be eligible to receive a grant under this part, the designated State agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including—

“(1) an assurance that the State will award subgrants for prekindergarten programs that are sufficient to provide a high quality prekindergarten experience;

“(2) an assurance that not less than 25 percent of the qualified prekindergarten providers receiving such subgrants will be providers of community-based programs;

“(3) a description of the number of children in the State who are eligible for the prekindergarten programs and the needs that will be served through the prekindergarten programs;

“(4) a description of how the State will ensure that the subgrants are awarded to a wide range of types of qualified prekindergarten providers;

“(5) a description of how the designated State agency will collaborate and coordinate activities with the State Advisory Council on Early Childhood Education and Care, State-funded providers of prekindergarten programs, providers of federally funded programs such as Head Start agencies, local educational agencies, and child care providers;

“(6) a description of how the State will ensure, through a monitoring process, that qualified prekindergarten providers receiving the subgrants provide programs that meet the standards of high quality early education, and use funds appropriately;

“(7) a description of how the State will meet the needs of the most disadvantaged students, including families at or below 200 percent of the poverty line;

“(8) a description of how the State will meet the needs of working parents; and

“(9) a description of how the State will assist in providing professional development assistance to prekindergarten teachers and teacher aides.

“(c) FEDERAL SHARE.—The Federal share of the cost described in section 1843(b) shall be 50 percent. The State shall provide the non-Federal share of the cost in cash.

“(d) SUPPLEMENTARY FEDERAL FUNDING.—Funds made available under this part may be used only to supplement and not supplant other Federal, State, local, or private funds that would, in the absence of the funds made available under this part, be made available for early childhood programs.

“(e) MAINTENANCE OF EFFORT.—A State that receives a grant under this part for a fiscal year shall maintain the expenditures of the State for early childhood programs at a level not less than the level of such expenditures of the State for the preceding fiscal year.

**“SEC. 1845. STATE SET ASIDES AND EXPENDITURES.**

“(a) INFANT AND TODDLER SET ASIDE.—Notwithstanding sections 1842 and 1843, a State shall set aside not less than 15 percent of the funds made available through a grant awarded under this part for the purpose of funding high quality early childhood development programs for children who are ages 0 through 3. Funds made available under this subsection may also be used for professional development for teachers and teacher aides in classrooms for children who are ages 0 through 3.

“(b) EXTENDED DAY AND EXTENDED YEAR SET ASIDE.—Notwithstanding section 1843, a State shall set aside not less than 10 percent of the funds made available through a grant awarded under this part for the purpose of extending the hours of early childhood programs to create extended day and extended year programs.

“(c) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the funds made available through such a grant may be used for administrative expenses, including monitoring.

**“SEC. 1846. LOCAL APPLICATIONS.**

“To be eligible to receive a subgrant under this part, a qualified prekindergarten provider shall submit an application to the designated State agency at such time, in such manner, and containing such information as the agency may reasonably require, including—

“(1) a description of how the qualified prekindergarten provider will meet the diverse needs of children in the community to be served, including children with disabilities, whose native language is not English, or with other special needs, children in the State foster care system, and homeless children;

“(2) a description of how the qualified prekindergarten provider will serve eligible children who are not served through similar services or programs;

“(3) a description of a plan for actively involving parents and families in the prekindergarten program and the success of their children in the program;

“(4) a description of how children in the prekindergarten program, and their parents and families, will receive referrals to, or assistance with, accessing supportive services provided within the community;

“(5) a description of how the qualified prekindergarten provider collaborates with the State Advisory Council on Early Childhood Education and Care and providers of other programs serving children and families, including Head Start agencies, providers of child care programs, and local educational agencies, to meet the needs of children, families, and working families, as appropriate; and

“(6) a description of how the qualified prekindergarten provider will collaborate with local educational agencies to ensure a smooth transition for participating students from the prekindergarten program to kindergarten and early elementary education.

**“SEC. 1847. LOCAL PREKINDERGARTEN PROGRAM REQUIREMENTS.**

“(a) MANDATORY USES OF FUNDS.—A qualified prekindergarten provider that receives a subgrant under this part shall use funds received through the grant to establish, expand, or enhance prekindergarten programs for children who are ages 3 through 5, including—

“(1) providing a prekindergarten program that supports children’s cognitive, social, emotional, and physical development and approaches to learning, and helps prepare children for a successful transition to kindergarten; and

“(2) purchasing educational equipment, including educational materials, necessary to

provide a high quality prekindergarten program.

“(b) PERMISSIBLE USE OF FUNDS.—A qualified prekindergarten provider that receives a subgrant under this part may use funds received through the grant to—

“(1) extend part-day prekindergarten programs to full-day prekindergarten programs and year-round programs;

“(2) pay for transporting students to and from a prekindergarten program; and

“(3) provide professional development assistance to prekindergarten teachers and teacher aides.

“(c) PROGRAM REQUIREMENTS.—A qualified prekindergarten provider that receives a subgrant under this part shall carry out a high quality prekindergarten program by—

“(1) maintaining a maximum class size of 20 children, with at least 1 prekindergarten teacher per classroom;

“(2) ensuring that the ratio of children to prekindergarten teachers and teacher aides shall not exceed 10 to 1;

“(3) utilizing a prekindergarten curriculum that is research- and evidence-based, developmentally appropriate, and designed to support children’s cognitive, social, emotional, and physical development, and approaches to learning; and

“(4) ensuring that prekindergarten teachers meet the requirements of this part.

**“SEC. 1848. REPORTING.**

“(a) QUALIFIED PREKINDERGARTEN PROVIDER REPORTS.—Each qualified prekindergarten provider that receives a subgrant from a State under this part shall submit an annual report, to the designated State agency, that reviews the effectiveness of the prekindergarten program provided. Such annual report shall include—

“(1) data specifying the number and ages of enrolled children, and the family income, race, gender, disability, and native language of such children;

“(2) a description of—

“(A) the curriculum used by the program;

“(B) how the curriculum supports children’s cognitive, social, emotional, and physical development and approaches to learning; and

“(C) how the curriculum is appropriate for children of the culture, language, and ages of the children served; and

“(3) a statement of all sources of funding received by the program, including Federal, State, local, and private funds.

“(b) STATE REPORTS.—Each State that receives a grant under this part shall submit an annual report to the Secretary detailing the effectiveness of all prekindergarten programs funded under this part in the State.

“(c) REPORT TO CONGRESS.—The Secretary shall submit an annual report to Congress that describes the State programs of assistance for prekindergarten programs funded under this part.

**“SEC. 1849. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal years 2010 through 2014.”.

**SEC. 3. CONFORMING AMENDMENTS.**

(a) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Elementary and Secondary Education Act of 1965 is amended—

(1) by striking the item relating to the part heading for part I of title I and inserting the following:

“PART J—GENERAL PROVISIONS”;

and

(2) by inserting after the items relating to part I of title I and inserting the following:

“PART I—HIGH QUALITY FULL-DAY PREKINDERGARTEN PROGRAMS

“Sec. 1841. Findings.



"Sec. 1842. Definitions.

"Sec. 1843. Program authorization.

"Sec. 1844. State applications and requirements.

"Sec. 1845. State set asides and expenditures.

"Sec. 1846. Local applications.

"Sec. 1847. Local prekindergarten program requirements.

"Sec. 1848. Reporting.

"Sec. 1849. Authorization of appropriations."

(b) PROVISIONS.—Sections 1304(c)(2) and 1415(a)(2)(C) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6394(c)(2), 6435(a)(2)(C)) are amended by striking "part I" and inserting "part J".

By Mr. KERRY (for himself and Mr. SPECTER):

S. 841. A bill to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of altering blind and other pedestrians of motor vehicle operation; to the Committee on Commerce, Science, and Transportation.

Mr. KERRY. Mr. President, today I am introducing the Pedestrian Safety Enhancement Act of 2009 with Senator SPECTER. This bill is designed to ensure that those with limited or no vision are able to identify electric and hybrid vehicles as they travel down the road. I am a strong supporter of increasing the number of electric and hybrid electric vehicles on our roads because they will limit our dependence on foreign oil and help limit pollution. However, the silent operation of hybrid vehicles has created a potentially hazardous situation for some pedestrians with limited or no vision. Too often, vision impaired individuals are unable to hear hybrid cars as they pass by them. This makes it more difficult for them to get around.

While I am thankful that there will be less noise on the street, we should be fair to those among us who use senses other than sight to navigate the streets. The bill directs the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting vision impaired pedestrians of motor vehicle operation. This bill requires that solutions to this problem are studied and the best of these solutions is implemented in a timely manner.

I ask all my colleagues to support this legislation.

By Mr. LAUTENBERG (for himself, Mr. REED, Mr. WHITEHOUSE, Mr. SCHUMER, Mr. KERRY, Mr. KENNEDY, Mr. LEVIN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. CARDIN, Mrs. GILLIBRAND, and Mr. MENENDEZ):

S. 843. A bill to establish background check procedures for gun shows; to the Committee on the Judiciary.

Mr. LAUTENBERG. Mr. President, I rise because yesterday marks 10 years since the shootings at Columbine High School in Littleton, CO, and on this 10th anniversary, we need to speak

about the problems with our Nation's gun laws.

Whether it is Columbine, Virginia Tech, Mexican gun trafficking or the recent killings in Pittsburgh, Binghamton, and Oakland we are reminded over and over again that our gun laws are not strong enough, and it is time we said—not another day.

Not another day should we allow the gun show loophole to stand.

Not another day should we allow gun dealers to sell firearms without conducting a background check.

Not another day should we allow terrorists, criminals, gun traffickers and the mentally ill to buy firearms.

It is as easy as ever for criminals to buy guns—easier, in fact, than it is to get a library card.

What happened at Columbine High School 10 years ago was a tragedy none of us can forget.

Two shooters went on a rampage and killed 12 students and 1 teacher.

But here is what a lot of people do not realize: all of the firearms used by the shooters were bought at gun shows.

That means, because of the gun show loophole, they were bought without a background check, and they were bought "cash and carry," no questions asked.

Those 13 people never should have died because those teenagers never should have had those guns.

Just think: the young woman who bought the guns for the shooters said she wouldn't have done it had a background check been required.

In 1999, I introduced legislation to close the gun show loophole and keep guns from falling into the wrong hands.

In the aftermath of Columbine, the Senate passed my legislation, with Vice President Al Gore casting the tie-breaking vote.

It was a great victory, but it was short lived. The gun lobby stripped my legislation in conference.

Ten years later, this gap in our law still remains.

We were reminded of that last Thursday when we marked the second anniversary of the Virginia Tech shootings.

In that tragedy, a mentally deranged man killed 32 students and faculty in the worst mass shooting in American history.

The Virginia Tech shooter was able to obtain his guns from licensed gun dealers because the records of his mental illness were not in the background check database as they were supposed to be. But if a background check stopped him from buying his guns from a gun dealer, he could have walked to a gun show and purchased the guns with no background check.

Yesterday we marked the 14th anniversary of the Oklahoma City Bombing—the Nation's worst domestic terrorist attack.

The men responsible for that despicable act frequently bought and sold firearms at gun shows.

Gun trafficking to Mexico is another reminder of the dangers of the gun show loophole.

We know that as many as 30 percent of the firearms traveling across our border into Mexico originate from gun shows.

We have an opportunity to save lives—and that is why I am reintroducing legislation today to close the gun show loophole once and for all.

Closing the gun show loophole will not adversely affect licensed gun sellers and it will not place a burden on law-abiding gun owners.

It simply ends a dangerous, unnecessary exemption so that the Brady Law is applied equally.

But that difference—the difference between buying a gun with a background check and not—is everything.

It is the difference between saving lives and putting more at risk, between keeping guns out of the wrong hands and letting terrorists and others have easy access to guns, and the difference between upholding the rule of law or allowing loopholes to undermine it.

Specifically, my legislation would take several steps to make gun show transactions safer for all Americans: gun shows are defined to include any event at which 50 or more firearms are offered or exhibited for sale. This definition includes not only those events where firearms are the main commodity sold, but also other events where a significant number of guns are sold, such as flea markets or swap meets.

Gun show promoters would be required to register with the Bureau of Alcohol, Tobacco, and Firearms, ATF, maintain a list of vendors at all gun shows, and ensure that all vendors acknowledge receipt of information about their legal obligations.

The bill requires that all firearms sales at gun shows go through a Federal Firearms Licensee, FFL. If a non-licensed person is selling a weapon, they would use an FFL at the gun show to complete the transaction. The FFL would be responsible for conducting a Brady check on the purchaser and maintaining records of the transaction.

FFLs would be required to submit information including the manufacturer/importer, model, and serial number of firearms transferred at gun shows to the ATF's National Tracing Center, NTC. However, no personal information about either the seller or the purchaser would be given to the ATF. Instead, as under current law, FFLs would maintain this information in their files. The NTC would request this personal information from an FFL only in the event that a firearm subsequently becomes the subject of a law enforcement trace request.

I am proud to be joined in introducing this legislation by Senators REED, WHITEHOUSE, SCHUMER, KERRY, KENNEDY, DURBIN, LEVIN, CARDIN, GILLIBRAND, FEINSTEIN, and MENENDEZ.

Ten years ago we lost 12 students and a teacher to gun violence in Littleton, CO.

One of the best ways to honor those we lost and those who have suffered is

to make sure a tragedy like Columbine never happens again.

We owe that—and nothing less—to the young people who died 10 years ago and the young people who count on us today.

By Mr. DURBIN (for himself, Mr. BENNETT, Mr. KERRY, Mr. CASEY, Ms. SNOWE, Mrs. MURRAY, Mr. WHITEHOUSE, Ms. MURKOWSKI, Mr. BINGAMAN, Mr. FEINGOLD, Mr. ENZI, and Mr. PRYOR):

S. 846. A bill to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 846

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. FINDINGS.

The Congress finds that—

(1) Dr. Muhammad Yunus is recognized in the United States and throughout the world as a leading figure in the fight against poverty and the effort to promote economic and social change;

(2) Muhammad Yunus is the recognized developer of the concept of microcredit, and Grameen Bank, which he founded, has created a model of lending that has been emulated across the globe;

(3) Muhammad Yunus launched this global movement to create economic and social development from below, beginning in 1976, with a loan of \$27 from his own pocket to 42 crafts persons in a small village in Bangladesh;

(4) Muhammad Yunus has demonstrated the life-changing potential of extending very small loans (at competitive interest rates) to the very poor and the economic feasibility of microcredit and other microfinance and microenterprise practices and services;

(5) Dr. Yunus's work has had a particularly strong impact on improving the economic prospects of women, and on their families, as over 95 percent of microcredit borrowers are women;

(6) Dr. Yunus has pioneered a movement with the potential to assist a significant number of the more than 1,400,000,000 people, mostly women and children, who live on less than \$1.25 a day, and the 2,600,000,000 people who live on less than \$2 a day, and which has already reached 155,000,000, by one estimate;

(7) there are now an estimated 24,000,000 microenterprises in the United States accounting for approximately 18 percent of private (nonfarm) employment and 87 percent of all business in the United States, and the Small Business Administration has made over \$318,000,000 in microloans to entrepreneurs since 1992;

(8) Dr. Yunus, along with the Grameen Bank, was awarded the Nobel Peace Prize in 2006 for his efforts to promote economic and social opportunity and out of recognition that lasting peace cannot be achieved unless large population groups find the means, such as microcredit, to break out of poverty; and

(9) the microcredit ideas developed and put into practice by Muhammad Yunus, along with other bold initiatives, can make a his-

torical breakthrough in the fight against poverty.

#### SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design to Dr. Muhammad Yunus, in recognition of his many enduring contributions to the fight against global poverty.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the “Secretary”) shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

#### SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2, under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

#### SEC. 4. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

#### SEC. 5. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There are authorized to be charged against the United States Mint Public Enterprise Fund, such amounts as may be necessary to pay for the costs of the medals struck pursuant to this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 3 shall be deposited into the United States Mint Public Enterprise Fund.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 106—CELEBRATING THE OUTSTANDING ATHLETIC ACCOMPLISHMENTS OF THE UNIVERSITY OF FINDLAY MEN'S BASKETBALL TEAM FOR WINNING THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION II CHAMPIONSHIP

Mr. BROWN (for himself, and Mr. VOINOVICH) submitted the following resolution; which was considered and agreed to:

S. RES. 106

Whereas on March 28, 2009, the University of Findlay men's basketball team, known as the Oilers, won the National Collegiate Athletic Association (NCAA) Division II Championship, marking the first time in the history of the university that the basketball program achieved this mark;

Whereas the Oilers' undefeated record marks the first time a NCAA Division II basketball program has recorded 36 wins and 0 losses;

Whereas in winning the Division II National Championship, the Oilers have cemented their role as a symbol of pride for the past and present members of the University of Findlay community;

Whereas the Oilers have finished with a winning record for the past 24 seasons;

Whereas the University of Findlay athletic program strives to improve the academic quality of the university by fostering pride, unity, and academic scholarship to help its members contribute to their community in a significant manner;

Whereas each person, coach, and contributor to the team remained committed to ensuring the Oilers achieved this historic accomplishment; and

Whereas all supporters of the University of Findlay are to be praised for their dedication to, and pride in, the university's basketball program: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the University of Findlay men's basketball team for achieving their first ever Division II National Championship; and

(2) recognizes the University of Findlay athletic program for its accomplishments in both sports and academics.

#### SENATE RESOLUTION 107—COMMENDING THE UNIVERSITY OF CONNECTICUT HUSKIES FOR THEIR HISTORIC WIN IN THE 2009 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I WOMEN'S BASKETBALL TOURNAMENT

Mr. DODD (for himself and Mr. LIEBERMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 107

Whereas on April 7, 2009, the University of Connecticut Huskies defeated the University of Louisville Cardinals 76 to 54 in the final game of the National Collegiate Athletic Association (NCAA) Division I Women's Basketball Tournament in St. Louis, Missouri;

Whereas the Huskies were undefeated in the 2009 season, with a record of 39-0, and bested each opposing team by at least double digits;

Whereas the Huskies have won 6 national titles, the second most in the history of NCAA Division I women's basketball;

Whereas sophomore forward Maya Moore was chosen as the Naismith Award winner, the Wooden Award winner, the State Farm Wade Trophy winner, the United States Basketball Writers Association player of the year, and the Associated Press player of the year;

Whereas senior point guard Renee Montgomery was chosen as the winner of the Nancy Lieberman award, which is given to the top point guard in the Nation;

Whereas junior center Tina Charles was chosen as the Women's Final Four Most Valuable Player;

Whereas sophomore forward Maya Moore, senior point guard Renee Montgomery, and junior center Tina Charles were chosen as State Farm First Team All-Americans;

Whereas sophomore forward Maya Moore, senior point guard Renee Montgomery, and junior center Tina Charles were chosen as members of the Final Four First All Tournament Team;

Whereas Head Coach Geno Auriemma was chosen as the Associated Press Coach of the Year;

Whereas the University of Connecticut women's basketball program has a 100 percent graduation rate among 4-year players, exemplifying the commitment of the team to achievement in the classroom as well as on the court;

Whereas each player, coach, athletic trainer, and staff member of the University of

Connecticut Huskies dedicated their time and tireless efforts to the perfect record of the team and the NCAA women's basketball championship title; and

Whereas the residents of Connecticut and Huskies fans worldwide are to be commended for their longstanding support, perseverance, and pride in the University of Connecticut Huskies: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the University of Connecticut Huskies for their historic win in the 2009 National Collegiate Athletic Association Division I Women's Basketball Tournament;

(2) recognizes the achievements of the players, coaches, students, and support staff who were instrumental in the Huskies' victory; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution for appropriate display to the President of the University of Connecticut, Michael Hogan, and the head coach of the University of Connecticut Huskies, Geno Auriemma.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 981. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 371, to amend chapter 44 of title 18, United States Code, to allow citizens who have concealed carry permits from the State in which they reside to carry concealed firearms in another State that grants concealed carry permits, if the individual complies with the laws of the State; which was referred to the Committee on the Judiciary.

#### TEXT OF AMENDMENTS

**SA 981.** Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 371, to amend chapter 44 of title 18, United States Code, to allow citizens who have concealed carry permits from the State in which they reside to carry concealed firearms in another State that grants concealed carry permits, if the individual complies with the laws of the State; which was referred to the Committee on the Judiciary, as follows:

Strike all after the enacting clause and insert the following:

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Respecting States Rights and Concealed Carry Reciprocity Act of 2009".

##### SEC. 2. RECIPROCITY FOR THE CARRYING OF CERTAIN CONCEALED FIREARMS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926C the following:

##### "§926D. Reciprocity for the carrying of certain concealed firearms

"Notwithstanding any provision of the law of any State or political subdivision thereof:

"(1) A person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and is carrying a valid license or permit which is issued pursuant to the law of any State and which permits the person to carry a concealed firearm, may carry a concealed firearm in accordance with the terms of the license or permit in any State that allows its residents to carry concealed firearms, subject to the laws of the State in which the firearm is carried concerning specific types of locations in which firearms may not be carried.

"(2) A person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and is otherwise

than as described in paragraph (1) entitled to carry a concealed firearm in and pursuant to the law of the State in which the person resides, may carry a concealed firearm in accordance with the laws of the State in which the person resides in any State that allows its residents to carry concealed firearms, subject to the laws of the State in which the firearm is carried concerning specific types of locations in which firearms may not be carried."

(b) CLERICAL AMENDMENT.—The table of sections for chapter 44 of title 18 is amended by inserting after the item relating to section 926C the following:

"926D. Reciprocity for the carrying of certain concealed firearms."

##### SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

#### NOTICE OF HEARING

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a legislative hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, April 28th, at 10 a.m., in room SD-366 of the Dirksen Senate office building.

The purpose of the hearing is to receive testimony regarding legislation to improve the availability of financing for deployment of clean energy and energy efficiency technologies and to enhance United States' competitiveness in this market through the creation of a Clean Energy Deployment Administration within the Department of Energy. A joint discussion draft of the bill is posted on the Committee's website.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510-6150, or by e-mail to [rachel\\_pasternack@energy.senate.gov](mailto:rachel_pasternack@energy.senate.gov).

For further information, please contact Rachel Pasternack at (202) 224-0883 or Michael Carr at (202) 224-8164.

#### AUTHORITY FOR COMMITTEES TO MEET

##### AD HOC SUBCOMMITTEE ON CONTRACTING OVERSIGHT

Mr. DODD. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Contracting Oversight of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, April 21, 2009, at 2:30 p.m. to conduct a hearing entitled, "Improving the Ability of Inspectors General to Detect, Prevent, and Prosecute Contracting Fraud."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### AD HOC SUBCOMMITTEE ON STATE, LOCAL, AND PRIVATE SECTOR PREPAREDNESS

Mr. DODD. Mr. President, I ask unanimous consent that the Ad Hoc Sub-

committee on State, Local, and Private Sector Preparedness and Integration of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, April 21, 2009, at 10:30 a.m. to conduct a hearing entitled, "Counternarcotics Enforcement: Coordination at the Federal, State, and Local Level."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, April 21, 2009, at 2:30 p.m., in room 253 of the Russell Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FINANCE

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on April 21, 2009, at 10 a.m. in room 216 of the Hart Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FOREIGN RELATIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 21, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate, to conduct a hearing entitled "Empowering Workers to Rebuild America's Economy and Longer-Term Competitiveness: Green Skills Training for Workers" on Tuesday, April 21, 2009. The hearing will commence at 10:30 a.m. in room 430 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. DODD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 21, 2009 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON TERRORISM AND HOMELAND SECURITY

Mr. DODD. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Terrorism and Homeland Security, be authorized to meet during the session of the Senate, to conduct a hearing entitled "Protecting National Security and Civil Liberties: Strategies for Terrorism Information Sharing" on Tuesday, April 21, 2009, at 2:30 p.m., in room SD-226 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGES OF THE FLOOR

Mr. KERRY. Mr. President, I ask unanimous consent that Andrew Keller, who is detailed to the Foreign Relations Committee from the State Department, be granted privileges of the floor for the duration of the debate on the Christopher Hill nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that Craig Bryant, a fellow in my office, be granted the privilege of the floor for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PUBLIC SERVICE RECOGNITION WEEK

Ms. KLOBUCHAR. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 48, S. Res. 87.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 87) expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 4 through 10, 2009.

There being no objection, the Senate proceeded to consider the resolution.

Ms. KLOBUCHAR. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 87) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 87

Whereas Public Service Recognition Week provides an opportunity to recognize and promote the important contributions of public servants and honor the diverse men and women who meet the needs of the Nation through work at all levels of government;

Whereas millions of individuals work in government service in every city, county, and State across America and in hundreds of cities abroad;

Whereas public service is a noble calling involving a variety of challenging and rewarding professions;

Whereas Federal, State, and local governments are responsive, innovative, and effective because of the outstanding work of public servants;

Whereas the United States of America is a great and prosperous Nation, and public service employees contribute significantly to that greatness and prosperity;

Whereas the Nation benefits daily from the knowledge and skills of these highly trained individuals;

Whereas public servants—

(1) defend our freedom and advance United States interests around the world;

(2) provide vital strategic support functions to our military and serve in the National Guard and Reserves;

(3) fight crime and fires;

(4) ensure equal access to secure, efficient, and affordable mail service;

(5) deliver Social Security and Medicare benefits;

(6) fight disease and promote better health;

(7) protect the environment and the Nation's parks;

(8) enforce laws guaranteeing equal employment opportunity and healthy working conditions;

(9) defend and secure critical infrastructure;

(10) help the Nation recover from natural disasters and terrorist attacks;

(11) teach and work in our schools and libraries;

(12) develop new technologies and explore the earth, moon, and space to help improve our understanding of how our world changes;

(13) improve and secure our transportation systems;

(14) promote economic growth; and

(15) assist active duty service members and veterans;

Whereas members of the uniformed services and civilian employees at all levels of government make significant contributions to the general welfare of the United States, and are on the front lines in the fight against terrorism and in maintaining homeland security;

Whereas public servants work in a professional manner to build relationships with other countries and cultures in order to better represent America's interests and promote American ideals;

Whereas public servants alert Congress and the public to government waste, fraud, abuse, and dangers to public health;

Whereas the men and women serving in the Armed Forces of the United States, as well as those skilled trade and craft Federal employees who provide support to their efforts, are committed to doing their jobs regardless of the circumstances, and contribute greatly to the security of the Nation and the world;

Whereas public servants have bravely fought in armed conflict in defense of this Nation and its ideals and deserve the care and benefits they have earned through their honorable service;

Whereas government workers have much to offer, as demonstrated by their expertise and innovative ideas, and serve as examples by passing on institutional knowledge to train the next generation of public servants;

Whereas May 4 through 10, 2009, has been designated Public Service Recognition Week to honor America's Federal, State, and local government employees; and

Whereas Public Service Recognition Week is celebrating its 25th anniversary through job fairs, student activities, and agency exhibits: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends public servants for their outstanding contributions to this great Nation during Public Service Recognition Week and throughout the year;

(2) salutes government employees for their unyielding dedication and spirit for public service;

(3) honors those government employees who have given their lives in service to their country;

(4) calls upon all generations to consider a career in public service; and

(5) encourages efforts to promote public service careers at all levels of government.

#### CELEBRATING ACCOMPLISHMENTS OF THE UNIVERSITY OF FINDLAY MEN'S BASKETBALL TEAM

Ms. KLOBUCHAR. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of

S. Res. 106 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 106) celebrating the outstanding athletic accomplishments of the University of Findlay men's basketball team for winning the National Collegiate Athletic Association Division II Championship.

There being no objection, the Senate proceeded to consider the resolution.

Ms. KLOBUCHAR. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 106) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

#### S. RES. 106

Whereas on March 28, 2009, the University of Findlay men's basketball team, known as the Oilers, won the National Collegiate Athletic Association (NCAA) Division II Championship, marking the first time in the history of the university that the basketball program achieved this mark;

Whereas the Oilers' undefeated record marks the first time a NCAA Division II basketball program has recorded 36 wins and 0 losses;

Whereas in winning the Division II National Championship, the Oilers have cemented their role as a symbol of pride for the past and present members of the University of Findlay community;

Whereas the Oilers have finished with a winning record for the past 24 seasons;

Whereas the University of Findlay athletic program strives to improve the academic quality of the university by fostering pride, unity, and academic scholarship to help its members contribute to their community in a significant manner;

Whereas each person, coach, and contributor to the team remained committed to ensuring the Oilers achieved this historic accomplishment; and

Whereas all supporters of the University of Findlay are to be praised for their dedication to, and pride in, the university's basketball program: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the University of Findlay men's basketball team for achieving their first ever Division II National Championship; and

(2) recognizes the University of Findlay athletic program for its accomplishments in both sports and academics.

# COMMENDING THE UNIVERSITY OF CONNECTICUT HUSKIES

Ms. KLOBUCHAR. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 107 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 107) commending the University of Connecticut Huskies for their historic win in the 2009 National Collegiate Athletic Association Division I Women's Basketball Tournament.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Madam President, I rise today with my colleague and friend, Senator LIEBERMAN, to congratulate the University of Connecticut Women's Basketball team for winning the 2009 NCAA Division I Women's Basketball Tournament. I know that I speak for the entire Connecticut Congressional Delegation when I say how proud I am to be able to stand here and acknowledge the accomplishments of this magnificent group of young women.

I have had the privilege of coming to the floor on numerous other occasions to applaud the Huskies for winning the NCAA Division I Tournament. In fact, this is the sixth time that the University of Connecticut Women's Basketball team has won this championship, the second highest number of wins in all of women's Division I history.

As they did in 1995 and 2002, the Huskies went the entire 2009 season undefeated. In addition to this incredible achievement, this year's team added another accomplishment that is truly unique in the history of the NCAA, as it has never before been achieved by any NCAA basketball team—they bested each and every one of their challengers by double digits. This tremendous accomplishment undoubtedly means that this year's team is not only among the best to play at UCONN, but one of the best college teams ever.

Numerous factors contributed to the Huskies' historic win, not the least of which is the steadfast dedication and well-honed skills of the individual players. Every player deserves special recognition for her work, and I would like to take a moment to specifically point out the achievements of the impressive trio of stars that led this year's team. Sophomore Maya Moore, senior point guard Renee Montgomery, and junior center Tina Charles all played critical roles in UCONN's victory. In recognition of their efforts, all three women have won numerous awards. Maya Moore was chosen as the Naismith Award winner, the Wooden Award winner, the State Farm Wade Trophy winner, the United States Basketball Writers Association player of the year, and the Associated Press player of the year. For her part, Renee

Montgomery was chosen as the winner of the Nancy Lieberman award, an honor that is reserved for the top point guard in the Nation. And Tina Charles, who had a staggering 25 points and 19 rebounds in the championship game, was honored as the Women's Final Four Most Valuable Player.

All three players were named State Farm First Team All-Americans and members of the Final Four First All Tournament Team. These are impressive awards and acknowledgments, but none of this could have been done without the other members of the team. These women, all of whom could be starters or stars at other programs, helped to deliver this year's national championship to UCONN. They are without question an impressive squad who have left an indelible mark upon the history of the Huskies basketball program. I would be remiss if I didn't take a moment to acknowledge the great play and important role that these women played. They are: Heather Buck; Lorin Dixon; Caroline Doty; Jacquie Fernandes; Meghan Gardler; Kalana Greene; Tiffany Hayes; Cassie Kerns; Jessica McCormack; Kaili McLaren; and Tahirah Williams.

In addition to the impressive talents of the young women who make up the team, one must not forget Geno Auriemma, who has led the Huskies to six national championships and three undefeated seasons during his tenure as head coach. For his efforts, Coach Auriemma has once again been picked as the Associated Press Coach of the Year, a well-deserved honor for such an accomplished and hard-working coach. And to add another honor to his impressive resume, Coach Auriemma was just named head coach of the U.S. Women's Olympic Team. I am sure he will bring the same dedication and skill to bringing us another gold medal as he has to UCONN. Also, Chris Dailey, associate head coach; Jamelle Elliott, assistant coach; and Shea Ralph, assistant coach, contributed immensely to the success of the team.

However, I firmly believe that the most important factor that led the UCONN women to victory this year is the character of each of the team's players. Make no mistake about it, these young women are very dedicated, and have worked extremely hard to get to where they are now. However, their tireless dedication and perseverance extend well beyond the basketball court. You may be interested to know that the UCONN women's basketball program has a 100-percent graduation rate among 4-year players. This statistic is truly astounding given the amount of time each of these women must spend meticulously perfecting her skills on the court. Clearly, each of these women possesses an unquenchable desire to succeed in everything she attempts, a characteristic that makes the team's triumph all the sweeter.

Madam President, thank you for the opportunity to speak about the accomplishments of the Huskies, a com-

mitted group of young women, whom, it is safe to say, are the pride of the State of Connecticut. Nothing demonstrates this better than the parade that was held in Hartford recently to honor the Huskies on their victory. A staggering 25,000 people came out to thank the coaches and team for their season. In Connecticut, the Huskies are as beloved, if not more so, than any other sports team. We are so proud of their victory and all these impressive young women have accomplished both on and off the court. So from all the fans of the UCONN Huskies in Connecticut and throughout the country and indeed the world, I say congratulations on a tremendous season and a wonderful accomplishment.

Ms. KLOBUCHAR. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 107) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

## S. RES. 107

Whereas on April 7, 2009, the University of Connecticut Huskies defeated the University of Louisville Cardinals 76 to 54 in the final game of the National Collegiate Athletic Association (NCAA) Division I Women's Basketball Tournament in St. Louis, Missouri;

Whereas the Huskies were undefeated in the 2009 season, with a record of 39-0, and bested each opposing team by at least double digits;

Whereas the Huskies have won 6 national titles, the second most in the history of NCAA Division I women's basketball;

Whereas sophomore forward Maya Moore was chosen as the Naismith Award winner, the Wooden Award winner, the State Farm Wade Trophy winner, the United States Basketball Writers Association player of the year, and the Associated Press player of the year;

Whereas senior point guard Renee Montgomery was chosen as the winner of the Nancy Lieberman award, which is given to the top point guard in the Nation;

Whereas junior center Tina Charles was chosen as the Women's Final Four Most Valuable Player;

Whereas sophomore forward Maya Moore, senior point guard Renee Montgomery, and junior center Tina Charles were chosen as State Farm First Team All-Americans;

Whereas sophomore forward Maya Moore, senior point guard Renee Montgomery, and junior center Tina Charles were chosen as members of the Final Four First All Tournament Team;

Whereas Head Coach Geno Auriemma was chosen as the Associated Press Coach of the Year;

Whereas the University of Connecticut women's basketball program has a 100 percent graduation rate among 4-year players, exemplifying the commitment of the team to achievement in the classroom as well as on the court;

Whereas each player, coach, athletic trainer, and staff member of the University of Connecticut Huskies dedicated their time



and tireless efforts to the perfect record of the team and the NCAA women's basketball championship title; and

Whereas the residents of Connecticut and Huskies fans worldwide are to be commended for their longstanding support, perseverance, and pride in the University of Connecticut Huskies: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the University of Connecticut Huskies for their historic win in the 2009 National Collegiate Athletic Association Division I Women's Basketball Tournament;

(2) recognizes the achievements of the players, coaches, students, and support staff who were instrumental in the Huskies' victory; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution for appropriate display to the President of the University of Connecticut, Michael Hogan, and the head coach of the University of Connecticut Huskies, Geno Auriemma.

#### APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 106-398, as amended by Public Law 108-7, in accordance with the qualifications specified under section 1238(b)(3)(E) of Public Law 106-398, and upon the recommendation of the Republican leader, in consultation with the ranking members of the Senate Committee on Armed Services and the Senate Committee on Finance, appoints the following individuals to the United States-China Economic Security Review Commission: Dennis Shea, of Virginia, for a term expiring December 31, 2010, and Robin Cleveland, of Virginia, for a term expiring December 31, 2010, vice Mark Esper of Virginia.

#### UNANIMOUS CONSENT AGREEMENT—JOINT REFERRAL OF NOMINATION

Ms. KLOBUCHAR. Madam President, as if in executive session, I ask unanimous consent that the nomination of Francisco J. Sanchez, to be Under Secretary of Commerce for International Trade, received in the Senate on April 20, be jointly referred to the Committees on Finance and Banking, Housing, and Urban Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDERS FOR WEDNESDAY, APRIL 22, 2009

Ms. KLOBUCHAR. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Wednesday, April 22; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business for up to 30 minutes, with the time equally divided and controlled between the two leaders or their designees, with the Republicans control-

ling the first half and the majority controlling the final half; further, I ask that following morning business, the Senate proceed to the consideration of S. 386, the Fraud Enforcement and Recovery Act of 2009, as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Ms. KLOBUCHAR. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:06 p.m., adjourned until Wednesday, April 22, 2009, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### DEPARTMENT OF AGRICULTURE

JONATHAN STEVEN ADELSTEIN, OF SOUTH DAKOTA, TO BE ADMINISTRATOR, RURAL UTILITIES SERVICE, DEPARTMENT OF AGRICULTURE, VICE JAMES M. ANDREW, RESIGNED.

##### OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

THOMASINA ROGERS, OF MARYLAND, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2015. (RE-APPOINTMENT)

##### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

GEORGE E. LOUGHRAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

RAYMOND B. ABARCA

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

*To be major*

IAN C. B. DIAZ

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

*To be major*

WILLIAM T. HOUSTON  
BETTY TASIE  
DAVID L. WELLS II

##### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

ELIZABETH M. SHERR

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

ERIN T. DOYLE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be major*

SCOTT A. BIER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

ROBERT G. YOUNG

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO

THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be colonel*

GEORGE R. BERRY  
KIM D. JACKSON  
PERRY W. SARVER, JR.

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be colonel*

MICHAEL G. AMUNDSON  
MICHAEL L. DEGER  
STEVE D. ELLIOTT  
DAVID M. FARLEY  
TROY J. MOORE  
ROBERT S. PARHAM  
AUBREY L. RUAN, JR.  
LARRY E. SPRUILL  
PAUL C. THORN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be major*

BUSTER D. AKERS, JR.  
ALWYNMICHAEL S. ALBANO  
THOMAS E. ALLEN  
GEOFFREY N. BAILEY  
DOUGLAS H. BALL II  
MICHAEL W. BAUMANN  
PAUL T. BERGHAUS  
WILLIAM C. BLACK  
THOMAS D. BRUCE  
RICKEY W. BRUNSON  
STACY K. BUFFINGTON  
HARRY E. BYRD, JR.  
JOHN C. CAREY  
DAVID H. CERUTTI  
DARREN J. CHESTER  
EDWARD I. CHOI  
RALPH O. CLARK  
JAMES E. COMBS  
DAVID R. CROMEENES  
ROBERT J. CROWLEY  
DAVID P. CURLIN  
BRIAN D. CURRY  
CHRISTOPHER E. DICKEY  
THOMAS J. FAICHNEY  
CHRISTOPHER D. FLORO  
RAYMOND E. FOLSOM  
EDWARD H. FRANKLIN  
DOUGLAS D. GIBSON  
KENNETH M. GODWIN, JR.  
THOMAS M. GORRELL  
JOHN M. GRAUER  
ALFRED C. GRONDSKI, JR.  
DARRICK M. GUTTING  
MATTHEW A. HALL  
STEPHEN M. HOMMEL  
JOHN F. JENSEN  
SOON C. JUNG  
MICHAEL KEIFMAN  
MICHAEL A. KELLY  
JOSEPH M. KILONZO  
SUK KIM  
MATTHEW S. KREIDER  
ANDREW F. LAWRENCE  
EUGENE K. MACK  
JOHN P. MANUEL  
JAMES R. MCCAY, JR.  
MICHAEL F. McDONALD  
DEREK W. MURRAY  
MASAKI NAKAZONO  
KEVIN J. NIEHOFF  
KENNETH W. NIELSON  
KYREMEH S. OBENG  
CHRISTOPHER E. OFFEN  
GLENN A. PALMER  
SE W. PARK  
TOMMIE L. PICKENS  
CHARLES J. POPOV  
BRIAN D. REED  
TIMOTHY R. REYNOLDS  
CHRISTOPHER D. RICE  
ROGER B. RODRIQUEZ  
ANDREW ROPP  
DAMON D. SAXTON  
DAVID R. SCHLICHTER  
CHARLES N. SEARL IV  
KEVIN S. SEARS  
VERNON L. SHACKELFORD  
GEORGE W. SHAFFER  
KENNETH C. SHARPE  
STEVE SHIN  
STANLEY V. SMITH  
MATTHEW T. STUART  
ROGER A. TAYLOR  
KELVIN A. TODD  
KYLE L. WELCH  
CLINTON A. WHITE  
MICHAEL T. WILLIAMS  
JON C. WILSON  
MICHAEL T. ZELL

##### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C. SECTION 531:

*To be major*

JOHN W. HAHN IV



STEPHANIE L. MALMANGER

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

MICHAEL T. ECHOLS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

GREGORY J. HAZLETT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

BRIAN J. ELLIS, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

JESUS S. MORENO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*to be lieutenant commander*

COLLEEN L. JACKSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

GREGORY P. MITCHELL

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

*To be lieutenant commander*

JONATHAN V. AHLSTROM

TY D. BATHURST

SARA C. BERNARD

JOSEPH C. BROWN III

RICKY G. BURNETT

CHRISTOPHER J. CARTER

STEVEN A. DAWLEY

JASON W. DEBLOCK

WILLARD E. DUFF III

WILLIAM M. DULL

DAVID K. DUWEL

RAFAEL E. DUYOS

JOSEPH E. FALS

ANDREW K. FORTMANN

RAY A. GLENN

BRIAN K. HAMEL

ERIC D. HICKS

SHAWN W. IRISH

GARY M. JOY

RYAN R. KENDALL

ERIC M. KIRLIN

JOHN J. KITT

ROBERT M. LAIRD, JR.

RICHARD T. LESIW

SEAN P. LEWIS

STEVEN L. LIBERTY

ARRON M. MCGRATH

ALEJANDRO R. NELSON

JONATHAN P. NELSON

CHARLES W. PHILLIPS

ETHAN M. RULE

JARED SEVERSON

ROGER R. SOMERO, JR.

NATHAN L. SPURGEON

JOSHUA C. STEWART

ADAM J. THOMAS

ROBERT WEBSTER

DAVID W. WHITSITT

THOMPSON XIAO

JOEL E. YODER

## CONFIRMATION

Executive nomination confirmed by the Senate, Tuesday, April 21, 2009:

DEPARTMENT OF STATE

CHRISTOPHER R. HILL, OF RHODE ISLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF IRAQ.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.